

B I L L S,

PUBLIC:

SEVEN VOLUMES.

—(4.)—

MARRIAGE WITH A DECEASED WIFE'S SISTER

TO

PIER AND HARBOUR ORDERS CONFIRMATION (No. 3).

Session

5 February — 13 August 1875.

VOL. IV.

1875.



BILLS:

1875.

SEVEN VOLUMES:—CONTENTS OF THE FOURTH VOLUME.

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A
B I L L

TO

Legalize Marriage with a deceased Wife's Sister.

A.D. 1875.

WHEREAS it is expedient to amend the law as to marriage with a deceased wife's sister :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No marriage between a man and his deceased wife's sister heretofore celebrated or contracted at any place whatsoever within the realm or without, or which shall hereafter be celebrated or
10 contracted in England or Ireland in the office of any registrar under the provisions of the Acts relating to marriages in England and Ireland, or to be contracted in Scotland or elsewhere, shall be deemed to have been or shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute or
15 of any canonical or other objection or impediment founded only on such affinity to the validity of any such marriage or to the celebration thereof, or to the validity of any license or certificate under which the same may have been celebrated ; and the registers of all such marriages in England or Ireland, or authenticated copies
20 thereof, and such evidence as would be proof of any other marriage in Scotland or elsewhere, shall be received in all courts of law or equity, and for all purposes, as evidence of such marriages respectively.

Marriage between a man and his deceased wife's sister not void or voidable.

2. Provided always, that nothing herein contained shall render
25 valid any marriage with the sister of a deceased wife where either of the parties has afterwards, during the life of the other and before the passing of this Act, lawfully intermarried with any other person.

Excepted cases.

3. Provided also, that this Act, so far as it relates to any
30 marriage with the sister of a deceased wife, celebrated or contracted before *the passing of this Act*, shall not invalidate or affect any

Provision for saving rights.

[Bill 44.]

A.D. 1875. right to any dignity or title of honour, or any estate, right, title, or interest, legal or equitable, in or to any lands, hereditaments, chattels, or effects vested in any person before the passing of this Act, nor any contingent estate or interest, legal or equitable, in any lands, hereditaments, chattels real, chattels, or effects created by or 5 derived from any settlement, grant, conveyance to uses, release, appointment, or other instrument bonâ fide executed before the passing of this Act, or by or from any devise or will which shall have become operative by the death of the deviser or testator before the passing of this Act. 10

Marriage with a de-
ceased Wife's Sister.

A

B I L L

To legalize Marriage with a deceased
Wife's Sister.

(Prepared and brought in by
Sir Thomas Chambers, Mr. Morley, Mr. Burt,
and Mr. Macdonald.)

*Ordered, by The House of Commons, to be Printed,
9 February 1875.*

[Bill 44.]

Under 1 oz.

A

B I L L

TO

Amend the Matrimonial Causes and Marriage Law (Ireland) A.D. 1875.
Amendment Act, 1870.

WHEREAS by the “Irish Church Act, 1869,” it was, amongst other matters, enacted that the union created by Act of Parliament between the Churches of England and Ireland should be dissolved, and that the said Church of Ireland, in the said Act
5 and herein-after referred to as “the said Church,” should cease to be established by law :

And whereas by the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, it was, amongst other matters, enacted that every bishop of the said Church might, by writing
10 under his hand, nominate persons to issue licenses for marriages between Protestant Episcopalians ; and that for every license issued by such person he should be entitled to have for his own benefit, of the party requiring the same, such fee, not exceeding the sum of five shillings, as might from time to time be appointed in that behalf
15 by any general synod or convention of the bishops, clergy, and laity of the said Church :

And whereas the said sum of five shillings has been found in most cases to be entirely inadequate to remunerate the persons so nominated to issue licenses for the duties imposed upon them by
20 the said Act, and it is expedient that said Act should be amended in that particular :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament, and by and
25 with the authority of the same, as follows :

1. This Act may be cited for all purposes as the “Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1875.” Short title.

[Bill 79.]

A.D. 1875.

Fee for
license for
marriage.

2. The persons who have been or shall be nominated under the said Act to issue licenses for marriages shall, for every such license, be entitled to have for his own benefit, of the party requiring the same, such fee, not exceeding the sum of *twenty shillings*, as may from time to time be appointed in that behalf by any general 5 synod or convention of the bishops, clergy, and laity of the said Church.

Matrimonial Causes and Marriage Law (Ireland).

A

BILL

To amend the Matrimonial Causes and
Marriage Law (Ireland) Amendment
Act, 1870.

*(Prepared and brought in by
Mr. Gibson, Mr. Bruen, Mr. Mulholland, and
Mr. Macartney.)*

*Ordered, by The House of Commons, to be Printed,
1 March 1875.*

[Bill 79.]

Under 1 oz.

A

B I L L

TO

Amend the Acts relating to the College of Maynooth.

A.D. 1875.

WHEREAS an Act was passed in the Parliament of Ireland in the session holden in the thirty-fifth year of the reign of His Majesty King George the Third, intituled “An Act for the better education of persons professing the Popish or Roman Catholic religion :”

And whereas the said Act is amended by the fourth and fifth sections of an Act passed by the Parliament of Ireland in the session holden in the fortieth year of the reign of His Majesty King George the Third, intituled “An Act for the better government of the seminary established at Maynooth for the education of persons professing the Roman Catholic religion, and for amending the laws now in force respecting the said seminary :”

And whereas it is expedient to permit the number of trustees elected under the said first-recited Act to be increased, and otherwise to amend that Act :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be lawful for the trustees elected under the said first-recited Act to elect from time to time, in addition to the seventeen elective trustees so elected, other persons, qualified in manner by that Act prescribed, to be trustees for the purposes of the said first-recited Act as so amended as aforesaid ; and the persons so elected shall act as and be trustees in the same manner in every respect as if they had been elected under the provisions of the said first-recited Act, and all the powers conferred by that Act as so amended as aforesaid upon trustees shall apply and may be exercised by the said persons as such trustees, together with the trustees elected or to be elected under the said first-recited Act or this Act ; and the said first-recited Act shall be read and construed

Powers to trustees to increase their number.

[Bill 194.]

A.D. 1875. — as if the number of the elective trustees thereby prescribed had not been limited to seventeen, and all the provisions of the said first-recited Act as so amended as aforesaid shall apply to the said increased number of trustees, and to the election of their successors from time to time, and to all acts, matters, or things to be done by 5 the trustees acting in the execution of the said first-recited Act as so amended as aforesaid.

Repeal of
sec. 4. of
35 G. 3.
c. 21. (I.)

2. From and after the passing of this Act section four of the said first-recited Act shall be and the same is hereby repealed.

Maynooth College.

A

B I L L

To amend the Acts relating to the
College of Maynooth.

(Prepared and brought in by
The O'Conor Don, Mr. Keenan, Mr. Law,
and Captain Nolan.)

Ordered, by The House of Commons, to be Printed,
3 June 1875.

[Bill 194.]

Under 1 oz.

A

B I L L

TO

Amend the Medical Act, 1858, so far as relates to the registration of women who have taken the degree of Doctor of Medicine in a foreign University. A.D. 1875.

WHEREAS under the provisions of the Medical Act a woman who had taken the degree of doctor of medicine in a foreign or colonial university, and had practised as a physician in the United Kingdom before the passing of the Act, was qualified to be registered :

And whereas it is expedient that any woman who possesses the degree of doctor of medicine of a foreign university may be entitled to be registered, although she has not practised as a physician, in the United Kingdom before the first day of October one thousand eight hundred and fifty-eight :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every woman to whom the degree of doctor of medicine has been or may hereafter be granted, after regular examination, by any of the foreign universities mentioned in the schedule to this Act, shall, upon application to that effect, be entitled to be registered in the terms of section fifteen of the Medical Act, and on the same conditions as are laid down in sections twenty and twenty-one of the said Act, as applicable to degrees granted by the examining colleges and bodies of the United Kingdom.

Women who are doctors of medicine may be registered.

2. It shall be lawful from time to time for the General Medical Council to add other foreign or colonial universities to those mentioned in the schedule to this Act, and whenever the said council shall have determined and issued an order to that effect, the degree of doctor of medicine of such university or universities shall thereupon constitute a qualification entitling any woman holding the

[Bill 103.]

Other universities may be added to the schedule.

2 *Medical Act Amendment (Foreign Universities)*. [38 VICT.]

A.D. 1785. same to registration under the Medical Act, 1858, subject always
— to the conditions mentioned in the above-mentioned sections of the
said Act.

Short title. **3.** This Act may be cited for all purposes as the Medical Act
(Foreign Universities), 1875, and shall be construed as one with 5
the Medical Act.

SCHEDULE.

University of France.
University of Berlin.
University of Leipsig.
University of Berne.
University of Zurich.

10

Medical Act Amendment (Foreign Universities).

A

B I L L

To amend the Medical Act, 1858, so far as relates to the registration of women who have taken the degree of Doctor of Medicine in a foreign University.

(Prepared and brought in by
*Mr. Couper-Temple, Mr. Russell Gurney, and
Dr. Cameron.*)

*Ordered, by The House of Commons, to be Printed,
22 March 1875.*

[Bill 103.]

Under 1 oz.

A

B I L L

TO

Amend the Medical Acts so far as relates to the Royal College of Surgeons of England. A.D. 1875.

WHEREAS by the Medical Act (herein-after called the principal Act) and Acts amending the same every person becoming possessed of any one or more of the qualifications mentioned in the said Acts is to be entitled to be registered under the principal Act and one of such qualifications is that of fellow or member or licentiate in midwifery of the Royal College of Surgeons of England :

21 & 22 Vict
c. 90.

And whereas by the principal Act it is further provided that any two or more of the colleges and bodies in the Medical Acts in that behalf mentioned may, with the sanction and under the directions of the general council, unite and co-operate in conducting the examinations required for qualifications to be registered under the principal Act :

And whereas the Royal College of Surgeons of England is one of such bodies, but doubts are entertained whether it is able to take advantage of the herein-before recited provisions of the principal Act unless it receives further powers from Parliament, and accordingly it is expedient to amend the Medical Acts so far as relates to the said college :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. If in pursuance of the principal Act the Royal College of Surgeons of England unites or co-operates with any of the colleges or bodies in that behalf mentioned in the Medical Acts in conducting the examinations required for qualifications to be registered under the principal Act, then, notwithstanding anything in any statute or charter contained, it shall be lawful for the council for

Power to
the Royal
College of
Surgeons of
England to
make bye-
laws with a
view to the
Medical Act.

[Bill 100.]

A.D. 1875,^s the time being of the said college to prescribe, by a byelaw under the common seal of the said college, that no person shall become a fellow or member or licentiate in midwifery of the said college unless (in addition to passing such examination (if any) and complying with such other conditions (if any) as may be prescribed 5 by any byelaws in force for the time being made in pursuance of any charter of the said college) he shall have passed such examinations, herein-after called the joint examinations, for qualification to be registered under the Medical Act, and complied with such conditions relating thereto as may be agreed upon between 10 the said college and the college or body, colleges or bodies, with whom the said college may be united or co-operating as aforesaid; and every person who shall have passed such joint examinations and complied with such conditions as aforesaid shall be entitled to receive letters testimonial of his qualification to practise the 15 art and science of surgery under the common seal of the said college, on obtaining which he shall become and be constituted a member of the said college, subject to all the regulations, provisions, and byelaws in force for the time being of the said college :

Saving power of council to admit to the fellowship in certain cases.

Provided that nothing in this Act contained shall diminish or 20 affect any power which the council of the said college at the time of passing this Act may have, under any charter, of appointing or electing to be fellows of the said college, without examination, any of the present members of the said college who if this Act had not passed would be or might become eligible, by reason of their 25 standing as members, to be appointed or elected fellows of the said college without examination, or any fellows or members or licentiates respectively of the Royal College of Surgeons in Ireland, the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, who shall at the time of passing 30 this Act be in the bonâ fide practice of the profession of a surgeon of England or Wales, and shall have obtained their respective diplomas or licenses after examination :

Byelaws to be approved by the Secretary of State.

Provided also, that no byelaw made in pursuance of this Act shall be of any force unless it has the approval of the Lords of 35 Her Majesty's Most Honourable Privy Council, and that it shall be lawful for said Lords of the Council at any subsequent time, if they shall think fit, to revoke such assent.

Title and construction of Act.

2. This Act may be cited for all purposes as "The Medical Act, Royal College of Surgeons of England, 1875," and shall be con- 40 strued as one with the Medical Acts.

Medical Acts Amend-
ment (College of
Surgeons).

A

B I L L

To amend the Medical Acts so far as
relates to the Royal College of
Surgeons of England.

(*Prepared and brought in by*
Sir John Lubbock and Dr. Lush.)

Ordered, by The House of Commons, to be Printed,
18 March 1875.

[Bill 100.]
Under 1 oz.

Mercantile Marine Hospital Service Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Definitions.

Inspection of Seamen.

3. Inspection shall be compulsory. Mode of inspection.

Establishment of a Mercantile Marine Hospital Service.

4. Hospitals to be established at certain ports. Foreign seamen eligible for admission under certain circumstances.
5. Classes of seamen to be admitted or excluded.
6. Appointment of medical director and assistants.
7. Appointment of medical superintendents and assistants.
8. Appointment of medical officers in places other than the ports mentioned in schedule.
9. Remuneration of medical officers.
10. Medical staff in British possessions.

Mode of defraying Expenses of Service.

11. Creation of Mercantile Marine Hospital Fund.
 12. Funds to be applied towards providing hospital accommodation and organization of the hospital service.
 13. Proper authority to provide duly certified hospital buildings.
-

A

B I L L

TO

Provide for the organization of a Mercantile Marine Hospital Service and the Medical Examination of Merchant Seamen. A.D. 1875.

WHEREAS it hath appeared that great loss of life and property has arisen from the fact of vessels of the Mercantile Marine having proceeded to sea undermanned by reason of sickness, and the shipping of men totally unfit for the contingencies of sea life :

5 And whereas it is expedient that due provision should be made by the establishment of a medical department for bettering the present condition of, and for the prevention and treatment of disease among sailors of the Mercantile Marine of Great Britain :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as "The Mercantile Marine Hospital Service Act, 1875." Short title.

2. In the construction and for the purposes of this Act, the following terms shall have the respective meanings herein-after assigned to them ; that is to say, Definitions.

The word "seaman" shall include any person (except masters, officers, or pilots) employed or engaged in any capacity on board any ship :

The term "proper authority" shall mean the Board of Trade, or such other governmental department as may have the general superintendence of matters relating to merchant ships and seamen :

[Bill 91.]

A 2

A.D. 1875.

The term "medical director" shall mean the person for the time being discharging the duties of principal physician or surgeon under this Act:

The term "medical superintendent" shall mean the surgeon or physician for the time being attached to or doing duty at a hospital, 5 or the house surgeon or resident surgeon thereof to be appointed under this Act.

Inspection of Seamen.

Inspection
shall be
compulsory.
Mode of
inspection.

3. The medical inspection of all seamen about to go to sea shall be compulsory, and such inspection shall take place prior to and 10 upon each occasion of signing articles. Such inspection shall be made by medical officers to be appointed as herein-after provided, or by such as are already appointed by the Board of Trade. A certificate of such inspection shall be given by the medical inspector to each seaman so inspected, in the form set out in 15 Schedule II., and a register of the same kept by the inspector. No such certificate shall bear date more than seven days prior to a seaman offering himself for service, but to avoid unnecessary delay or detention of a ship in case of any unforeseen accident, or circumstances affecting the numerical strength of his crew, the captain 20 shall be at liberty to replace any one or more of such crew by such seamen as may be in possession of a medical inspector's certificate; provided that in all such cases the certificate shall be countersigned by the medical inspector of the port from which the vessel sails, or if there be no inspector appointed at such 25 port or place, then by such local medical practitioner as may be appointed for that office.

Establishment of a Mercantile Marine Hospital Service.

Hospitals
to be esta-
blished at
certain ports.

4. A mercantile marine hospital service shall be established by the building and organization of Government hospitals for the 30 reception and treatment of the sick of the British Mercantile Marine at the ports indicated in the schedule hereto. For the purposes of this Act the coast line of the United Kingdom shall be divided into districts as specified in the schedule I., and each such district shall be represented by one of the said ports. Such 35 hospital accommodation shall be in due proportion to the tonnage of such port. Seamen of all nations other than the United Kingdom shall be eligible for admission as in or out patients of any of the said hospitals as may be deemed expedient by the medical staff thereof, on the consul, captain, owner, or consignee 40 complying with the regulations as to payment of such sums to

Foreign sea-
men eligible
for admission
under cer-
tain circum-
stances.

the Mercantile Marine Hospital Fund as may from time to time be provided. A.D. 1875

5. In every case where a seaman is rejected by the inspecting medical officer as temporarily unfit such seaman shall forthwith be admitted as an in or out patient of the hospital of the port, and if he be so rejected at a place where no such hospital exists, then such seaman shall receive medical or surgical treatment as herein-after provided in section eight. In every case in which a seaman is rejected by the inspecting medical officer as permanently unfit, such seaman shall not be eligible for hospital admission or treatment.

Classes of
seamen to
be admitted
or excluded.

6. The proper authority for the time being shall, on the commencement of this Act, appoint a medical officer to be during pleasure medical director of the Mercantile Marine, and whose duties it shall be to supervise all matters connected with the Mercantile Marine Hospital Service, and the expenditure of the fund thereof; and the said proper authority shall from time to time, on the death, resignation, or removal from office of such director, appoint another officer in his stead. An assistant medical director shall also be appointed by the same authority, who, in the absence of the director, shall have like powers and authority. Notice of the appointment of every such director or assistant director shall be published in the London Gazette.

Appointment
of medical
director and
assistants.

7. On the commencement of this Act the proper authority for the time being shall appoint a medical officer for each of the ports mentioned in the schedule hereto, I., to be during pleasure medical superintendent of the hospital at such port for the purposes of this Act, and whose duties, in addition to that of the treatment, care, and general supervision of the hospital sick, shall include inspection of seamen, medicine chests, and anti-scorbutics, and also the general medical supervision of the seamen in the district attached to the port to which he belongs. The said proper authority shall, from time to time, on the death, resignation, or removal of any such medical superintendent, appoint another such officer in his stead. The proper authority shall also, as occasion may require, and on the requisition of the medical director, appoint one or more medical officers or assistant medical officers to such superintendent; such assistant or assistants shall, in the absence of such superintendent, have the like powers and authorities, and shall discharge the like duties; and notice of the appointment of any such superintendent or assistant shall be published in the London or Dublin Gazette, as the case may require.

Appointment
of medical
superinten-
dents and
assistants.

A.D. 1875.

Appointment
of medical
officers in
places other
than the
ports men-
tioned in the
schedule.

8. In all seaport towns and places other than the ports named in the schedule, seamen shall be inspected by some local inspector or practitioner to be appointed to such office, and such officer so appointed shall, also at a fixed scale, have medical charge of such seamen as may prove sick or incapable from temporary ailment. A detailed monthly report of all inspections and cases treated by such local practitioner shall be forwarded to the superintendent of the port to which the district of the said local practitioner is attached. 5

Remune-
ration of
medical
officers.

9. The said medical director, assistant director, superintendents, assistants, local practitioners, and members of the hospital staff, and others, appointed under this Act, shall be remunerated for their respective services at such rate as the proper authority may direct, and such remuneration shall be paid out of the Mercantile Marine Hospital Fund. 10 15

Mode of defraying Expenses of Service.

Creation of
Mercantile
Marine Hos-
pital Fund.

10. The expenses of carrying into execution the provisions of this Act shall be paid by the medical director under the supervision of the Board of Trade, or other proper authority, out of the money to be provided by a fund to be called the "Mercantile Marine Hospital Fund," which shall be created as follows: 20

A tax shall be assessed and collected by the collector of customs, or such other person as may be appointed, at the various ports of the United Kingdom from the master or owners of every British vessel, whether engaged in the home or foreign trade. 25

Such tax shall be at the rate of *sixpence* in the pound per month on the wages of each and every officer and seaman who shall be employed on any such British vessel, which sum the master or owner of such vessel is hereby authorised and required to deduct from the wages of the officer or seaman, and to pay the same to the collector of customs, who shall pay in the same without any deduction to the Treasury to the account of the "Mercantile Marine Hospital Fund;" and any master or owner who shall render a false account of the number of officers and crew, the length of time they have been severally employed, or of the amount of wages paid or due to each and every officer or man, shall incur a penalty for each such default not exceeding *fifty* pounds, and any sums to be received by way of such penalty shall be paid into the Treasury to the account of the Mercantile Marine Hospital Fund. The needful regulations for the mode of collecting the sums men- 30 35 40
tioned in this section shall be made and issued by and under

the direction of the proper authority. Seamen of all nations, A.D. 1875.
other than those forming the crews of British ships, shall be eligible
for admission to or for hospital treatment, as may be deemed ex-
pedient, on the payment by the consul, captain, owner, or con-
5 signee of such sum of money as shall be prescribed by the proper
authority.

11. The funds to be obtained under this Act shall be employed
by the medical director, under the supervision of the proper autho-
rity, for the provision of hospital accommodation and the organization
10 and maintenance of the Marine Hospital Service to be created by
this Act.

12. The medical director under the proper authority as afore-
said shall provide buildings or parts of buildings, and shall furnish
and complete the same with all necessary accommodation, as
15 hospitals for the purpose of this Act; and such building or parts of
buildings so provided and certified in writing by the proper
authority to be so provided shall be deemed a certified hospital
under this Act; and every certified hospital so provided shall be
placed under the control of one of the medical superintendents
20 or such other medical officer as is herein-before mentioned.

Funds to
be applied
towards pro-
viding hos-
pital accom-
modation
and the
organization
of the hospi-
tal service.

Proper
authority to
provide duly
certified
hospital
buildings.

A.D. 1875.

SCHEDULE I.

ENGLAND AND WALES.

Hospital Port.	District.
EAST COAST:	
London, Custom House.	The Thames, from London Bridge to Greenwich, inclusive. 5
Gravesend	The Thames and coast towns from Greenwich to Dungeness South and Yarmouth North, inclusive.
Hull	From Whitby North, inclusive, to Yarmouth. 10
Shields	From Berwick to Whitby.
SOUTH COAST:	
Southampton	From Dungeness East, inclusive, to Lyme Regis West, inclusive.
Falmouth	From Ilfracombe West, inclusive, to Lyme Regis East. 15
WEST COAST:	
Bristol	From Gloucester, inclusive, to Ilfracombe.
Cardiff	From Chepstow, inclusive, to Swansea.
Swansea	From Swansea to Chester, inclusive, and Anglesey, inclusive. 20
Liverpool	From Chester to Dumfries.

SCOTLAND.

EAST COAST:	
Leith	From Leith, inclusive, to Berwick, inclusive. 25
Dundee	From Stonehaven, inclusive, to Leith.
Aberdeen	From Wick, inclusive, to Stonehaven.
WEST COAST:	
Dumfries	From Dumfries to Ayr, inclusive.
Glasgow	From Ayr to Dumbarton, including the Clyde. 30

A.D. 1875.

IRELAND.

	Hospital Port.		District.
EAST COAST:			
	Dublin -	-	From Wicklow to Kerry, inclusive.
5	Belfast -	-	From Fairhead, inclusive, to Kerry.
	Wexford -	-	From Dungarvon, inclusive, to Wicklow.
NORTH COAST:			
	Londonderry -	-	From Newport, inclusive, to Fairhead.
WEST COAST:			
10	Galway -	-	From Bantry Bay, inclusive, to Newport.
SOUTH COAST:			
	Cork -	-	From Bantry Bay to Dungarvon Harbour.

SCHEDULE II.

Port of

District

MERCANTILE MARINE HOSPITAL SERVICE ACT, 1875.

MEDICAL INSPECTION OF SEAMEN.

Certificate of Inspection

N.B.—A copy of this Certificate to be given to each Seaman after inspection.

Name of Seaman.	Age.	Nationality.	Complexion.	Height.	Rating.	Ship for which formerly inspected, and Date.	Ship for which now inspected.†	* Owner's Name.
Christian Name.								
Surname.								

† If no ship, insert "No ship."

I hereby certify that I have examined the above-named seaman, and that I find him as follows:—

Obliterate (a)
or (b) as
required.

(a) *That he is fit for duty at sea.

(b) *That he is not fit for duty at sea, for the following reasons:—

Given under my hand this day of 187 .

Medical Superintendent of _____ Hospital,
or,
Medical Inspector, &c. as case may be.

To the Superintendent of the
Mercantile Marine Office.

Mercantile Marine Hospital Service.

A

BILL

To provide for the organization of a
Mercantile Marine Hospital Service
and the Medical Examination of
Merchant Seamen.

*(Prepared and brought in by
Captain Pim and Mr. Wheelhouse.)*

*Ordered, by The House of Commons, to be Printed,
10 March 1875.*

[Bill 91.]

Under 2 oz.

Merchant Shipping Acts Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Construction of Act.
3. Definitions.

Registry (Part II. of Merchant Shipping Act, 1854).

4. Restrictions on registration of wrecked or abandoned ships.
5. Rule as to British sea fishing boats.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Wages.

6. Advance notes illegal.
7. Time of payment and effect on nonpayment of wages.
8. Settlement of wages.

Discipline.

9. Charges against officers.
10. Misconduct endangering ship or life or limb.
11. Mutiny.
12. Combining to disobey.
13. Assault on officer.
14. Insubordination, breach of discipline, and negligence.
15. Neglect to keep look-out.
16. Desertion and kindred offences.
17. Power of arrest in cases of desertion.
18. Absence without leave.
19. Wilful damage and embezzlement.
20. Double penalties where offence tends to endanger ship, life, or limb.

[Bill 4.] a

ii *Merchant Shipping Acts Amendment.* [38 VICT.]

Clause.

21. Liability of seamen for loss to owner caused by smuggling.
22. S. 244 of Merchant Shipping Act, 1854, to be read as referring to this Act.
23. Saving for other enactments.
24. Power for court of summary jurisdiction to commit for trial, &c. in case of serious offences.

Safety (Part IV. of Merchant Shipping Act, 1854).

25. Particulars to be marked on British ships.
26. Penalty for offences in relation to marks on ships.
27. Record of draught of water and extent of clear side.
28. Entry of deck cargo in official log.
29. Equipments for sea-going ships.
30. Adjustment of ships compasses.
31. Appointment of surveyors in British possessions.
32. Explanation of s. 11. of Merchant Shipping Act, 1871.

Mercantile Marine Fund (Part VII. of Merchant Shipping Act, 1854).

33. Grants to training ships.

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854).

34. Preliminary inquiries into shipping casualties.
35. Manner of conducting preliminary inquiries.
36. Statements to be made by the master of a British ship to which a shipping casualty has happened.
37. Formal investigation of shipping casualties.
38. Power to appoint a skilled assessor to coroner.
39. Investigations of shipping casualties in British possessions.
40. Power, by consent, to apply to foreign countries provisions of the Merchant Shipping Acts, 1854 to 1875, as to shipping casualties.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854.)

41. Liability of owners of unseaworthy ships.
42. Liability of owner for death or injury of seaman caused by unseaworthiness.

Application to Scotland.

Clause.

43. Application to Scotland.

Repeal.

44. Repeal and saving.

SCHEDULES.

A

B I L L

TO

Amend the Merchant Shipping Acts.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as the Merchant Shipping Act, 1875. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant
10 Shipping Acts, 1854 to 1875. Construction of Act.

3. In this Act,— Definitions.

The term "limits of the United Kingdom" includes any tidal water within the United Kingdom or the Isle of Man, and the sea for a distance of three miles from the coasts thereof,
15 and also any bay, estuary, arm of the sea, sand, shoal, island, or place neighbouring thereto, over which Her Majesty has or may have jurisdiction :

The term "local court of Admiralty" means—

(1.) In England any court having jurisdiction under the
20 County Court Admiralty Jurisdiction Act, 1868 :

(2.) In Scotland the sheriff court of the county :

(3.) In Ireland any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867 :

The term "Summary Jurisdiction Acts" means—

25 As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions

[Bill 4.]

A

A.D. 1875.

“ within England and Wales with respect to summary convictions and orders,” and any Acts amending the same :
As to Scotland, “ The Summary Procedure Act, 1864 :”

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district ; and elsewhere in Ireland, “ The Petty Sessions (Ireland) Act, 1851,” and any Acts amending the same.

Registry (Part. II. of Merchant Shipping Act, 1854).

Restrictions
on registra-
tion of
wrecked or
abandoned
ships.
36 & 37 Vict.
c. 85. s. 6.

4. Where application is made for the registry or re-registry as a British ship of any ship which has been wrecked or abandoned, the ship shall not be registered until she has, at the expense of the applicant, been surveyed by one of the surveyors appointed by the Board of Trade, and has been certified by him to be seaworthy.

15

Rule as to
names of
British sea-
fishing boats.
34 & 35 Vict.
c. 110. s. 6.
31 & 32 Vict.
c. 45.

5. The rules contained in section six of the Merchant Shipping Act, 1871, with respect to the names of British ships, shall apply to vessels registered as British sea-fishing boats under the Sea Fisheries Act, 1868, in the same manner as if they were British ships.

20

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Wages.

Advance
notes illegal.

6. Any document authorising or purporting to authorise the payment of money on account of a seaman's wages, and made before those wages have been actually earned, shall be void.

25

No moneys paid in satisfaction or in respect of any such document or otherwise advanced by or on behalf of a shipowner to or on behalf of a seaman on account of his wages before those moneys have been actually earned shall be deducted from his wages, and no person shall have any right of action, suit, or set off against the seaman or his assignee in respect of any moneys so paid or advanced, or purporting to have been so paid or advanced.

Provided that—

(1.) Nothing in this section shall invalidate or affect any allotment note duly made under the Merchant Shipping Act, 1854 ; and

(2.) Upon payment to a seaman of his wages there may be deducted therefrom the reasonable cost of such necessary articles (if any) as the shipowner may have bona fide supplied to the seaman after his joining the ship.

40

7. Subject to the provisions of this Act with respect to the deposit of wages with a superintendent of a mercantile marine office, all wages due to any seaman shall be paid at the time when he lawfully leaves the ship on the termination of the voyage, or
 5 other the termination of his engagement, and unless paid at that time shall continue to run and become due until they are so paid; but any court having cognizance of the case, upon being satisfied that the delay in payment did not arise from any default on the part of the master or owner of the ship, may, if it think fit,
 10 disallow the whole or any part of the wages running and accruing after the time by this Act fixed for payment.

A.D. 1875.

Time of payment and effect of non-payment of wages.

8. When a seaman is discharged before a superintendent of a mercantile marine office, the following rules shall be observed with respect to the settlement of his wages; (that is to say)
- 15 (1.) When the settlement of his wages is completed he shall sign, in the presence of the superintendent, a release, in such form as may from time to time be prescribed by the Board of Trade, of all claims in respect of the past voyage or engagement, and the master or owner of the ship shall
 20 also sign the same, and the superintendent shall also sign and attest it:
- (2.) The release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engage-
 25 ment:
- (3.) A certified copy of the release or of any part thereof shall be given by the superintendent who signs it, to any person requiring the same, and a copy purporting to be so certified shall be receivable in evidence upon any subsequent
 30 question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:
- (4.) Where there is no dispute as to the amount of wages to which the seaman is entitled, the master or owner may, if the seaman agrees in writing, pay him a portion of
 35 that amount and subsequently deposit the residue with the superintendent:
- (5.) The agreement in this case as to the payment and deposit shall be in a form to be prescribed by the Board of Trade and shall be signed by the seaman in the presence of the
 40 superintendent, and shall contain a receipt on the part of

Settlement of wages, see 17 & 18 Vict. c. 104. s. 175.

Release to be signed and attested.

To be a discharge.

And to be evidence.

Deposit of wages with superintendent.

Form of agreement as to deposit.

A.D. 1875.

the seaman for the part of the wages so paid to him, and shall either specify the amount of the residue to be deposited with the superintendent, or state that that amount is to be determined by the superintendent, and shall also specify the time, not exceeding seven days from 5 the date of the agreement, at which that amount is to be deposited :

Superinten-
dent to remit
sum depo-
sited.

- (6.) The superintendent shall remit or pay the residue so deposited with him in such manner as the seaman directs, and shall have full power to give any receipt on behalf of 10 the seaman in respect of that residue, and any such receipt shall be of the same effect as if it had been a release signed by the seaman and attested by the superintendent :

Wages to
run if default
made in de-
posit.

- (7.) If the agreement as to the deposit is observed the seaman's wages shall cease to run from the date of the agreement, 15 but if default is made in the deposit at the specified time such wages shall run and become due for every day during which such default continues :

Power for
superinten-
dent to give
receipt
where sea-
man is absent
or incapable.

- (8.) If at the time fixed for the settlement of a seaman's wages he absents himself from the place appointed for such 20 settlement, or is not in a fit condition to give a receipt in person for his wages, the superintendent may receive the seaman's wages on his behalf, and sign a release for the same, and any such release shall have the same effect as if it had been signed by the seaman and attested by the 25 superintendent :

Voucher to
be given to
master and
to be evi-
dence.

- (9.) Upon any payment being made by a master before a super-
intendent, the superintendent shall, if required, sign and
give to the master a statement of the whole amount so
paid ; and that statement shall, as between the master and 30
his employer, be received as evidence that he has made the
payments therein mentioned :

Decision
of superin-
tendent in
small dis-
putes to be
final.

- (10.) In any question as to wages which may be raised before the
superintendent between a master or owner and any of his
crew, if the amount in dispute does not exceed two pounds, 35
the decision of the superintendent in the matter shall be
final.

Discipline.

Charges
against
officers.
See

17 & 18 Vict.

9. If any certificated officer, that is to say, any master, mate,
or engineer possessing a certificate of service or competency, is 40
charged with incompetency, or with having been guilty of any

gross act of misconduct, drunkenness, tyranny, or negligence, proceedings may be taken against him as follows : A.D. 1875.

c. 104. ss.
241, 434,
438, and
25 & 26 Vict.
c. 63. ss. 23,
24.

(1.) A complaint may be made against the officer to any of the following courts; that is to say, in England any stipendiary or metropolitan police magistrate, in Scotland any sheriff, and in Ireland any divisional justice or resident magistrate; and any such complaint shall be deemed to be a matter in which the court has authority by law to make an order, and to the proceedings in which the Summary Jurisdiction Acts shall apply :

(2.) If in the opinion of the Board of Trade the proceedings cannot be conveniently taken before any of the above-mentioned courts, they may be taken by application in a summary way to a local Court of Admiralty; and any such application shall be deemed to be an application in an Admiralty cause within the jurisdiction of the court :

(3.) The court shall hear and determine the complaint or application with the aid of an assessor or assessors of nautical or engineering skill and knowledge, to be appointed in England by the judge of the High Court of Admiralty, in Scotland by the Lord President of the Court of Session, or him failing, by the Lord Justice Clerk, and in Ireland by the judge of the Court of Admiralty in Ireland; and for the purpose of enabling this appointment to be made, the Board of Trade shall, before commencing proceedings, give notice of their intention to do so to the registrar of the court by whom the appointment is to be made :

(4.) The Board of Trade may appear and conduct the proceedings either by their solicitor or by any other person appointed on their behalf :

(5.) If the officer is proved to be incompetent or to have been guilty of any gross act of misconduct, drunkenness, tyranny, or negligence, the court may order his certificate to be cancelled, and may, if it think fit, by its order direct that a certificate of a lower grade, to be specified in the order, be substituted for the certificate to be cancelled :

(6.) The court shall at the conclusion of the case, or as soon afterwards as possible, state in open court the decision of the court with respect to cancelling the certificate, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade :

A.D. 1875.

(7.) If the court orders the officer's certificate to be cancelled, the Board of Trade shall cancel it, and shall, if the order of the court so require, grant a new certificate of a lower grade in substitution for the certificate so cancelled :

(8.) The Board of Trade may, on proof to their satisfaction of 5 the competency, or, as the case may be, good conduct of any officer whose certificate has been cancelled under this Act, re-issue and return to him his certificate.

Misconduct
endangering
ship or life
or limb.
17 & 18 Vict.
c. 104. s. 239.

10. Any master of or any seaman or apprentice belonging to any British ship who, by wilful breach of duty, or by neglect of duty, 10 or by reason of drunkenness, either—

(1.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board such ship ; or,

15

(2.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board such ship from immediate danger to life or limb ;

20

shall for every such offence be guilty of a misdemeanor.

Mutiny.
11 W. 3.
c. 7. s. 8.

11. Any seaman or apprentice to the sea service who commits any of the following offences, that is to say, either—

(1.) Unlawfully takes any ship out of the authority of the master, or conspires or unlawfully endeavours to take a ship out 25 of the authority of the master ; or

(2.) Unlawfully confines the master or any officer of his ship when on the high seas, or conspires or unlawfully endeavours to confine him ; or

(3.) Makes or conspires or endeavours to make a revolt on board 30 any ship when on the high seas,

shall be guilty of mutiny.

Whosoever is guilty of mutiny shall be deemed guilty of felony, and shall for each offence be liable to be kept in penal servitude for any term not less than the minimum term allowed by law, or to 35 be imprisoned for any term not exceeding two years, with or without hard labour.

Whosoever is guilty of mutiny may, instead of being prosecuted for a felony, be prosecuted in a summary manner, and if so prosecuted and convicted shall be liable to imprisonment for any period 40 not exceeding *six* months, with or without hard labour, and to forfeit all wages due to him.

12. Any seaman or apprentice to the sea service who combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, shall be liable, on summary conviction, to imprisonment for any period not exceeding twelve weeks with or without hard labour, and, at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit all or any part of the wages due to him.

A.D. 1875.
Combining
to disobey.
17 & 18 Vict.
c. 104, s. 243.

13. Any seaman or apprentice to the sea service who assaults any officer of his ship shall be liable, on summary conviction, to imprisonment for any period not exceeding *twelve* weeks, with or without hard labour, and either in addition to or in substitution for such imprisonment to forfeit a sum not exceeding one month's pay.

Assault on
officer.
17 & 18 Vict.
c. 104, s. 243.

14. Any seaman or apprentice to the sea service who is—

Insub-
ordination,
breach of
discipline
and negli-
gence.
17 & 18 Vict.
c. 104, s. 243.

(a.) Guilty of wilful disobedience to any lawful command, or of any other act of insubordination ; or

(b.) Drunk when on duty, or guilty of any other gross breach of discipline ; or

(c.) Guilty of gross carelessness or wilful neglect in the discharge of his duty,

shall be liable on summary conviction to imprisonment for any period not exceeding four weeks, with or without hard labour, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum not exceeding ten days pay.

If the insubordination or neglect is continued, he shall be liable to imprisonment for any period not exceeding twelve weeks, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages, for every twenty-four hours continuance of such insubordination or neglect, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute.

15. It is hereby declared to be the duty of every master of a ship to provide for a proper look-out being duly placed, kept, and relieved, and to be the duty of every officer in charge of the deck to see that a proper look-out is kept whilst he is so in charge.

Neglect to
keep look-
out.

Any master or officer who makes default in performance of this duty shall be liable, on summary conviction, to imprisonment for any period not exceeding six months, and if he is a certificated officer to have his certificate cancelled.

A.D. 1875.

Any seaman or apprentice to the sea service who, when on the look-out, is drunk or asleep, or otherwise neglects to keep the look-out, shall be liable, on summary conviction, to imprisonment for any period not exceeding eight weeks, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum not exceeding one month's pay. 5

Desertion
and kindred
offences.
11 W. 3.
c. 7. s. 17.
17 & 18 Vict.
c. 104. s. 243.

16. Any seaman or apprentice to the sea service who commits any of the following offences (in this Act referred to as desertion or a kindred offence), that is to say,

- (a.) Deserts from his ship; 10
- (b.) Neglects or refuses, without reasonable cause, at any time during his engagement, to join his ship, or to proceed to sea in his ship; or
- (c.) Is absent without leave, and without sufficient reason, from his ship or his duty at any time within twenty-four hours 15 of the ship's sailing from any port either at the commencement or during the progress of any voyage,

shall be liable, on summary conviction, to imprisonment for any period not exceeding *three* months, with or without hard labour, and at the discretion of the court, either in addition to or in sub- 20 stitution for such imprisonment,—

- (1.) In cases of desertion, to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which he has then earned, and also, if such desertion takes place abroad, to forfeit all or any part of the wages he may earn 25 in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and 30
- (2.) In the case of any of the preceding offences not amounting to desertion, or not treated as such by the master, to forfeit a sum not exceeding the amount of *ten* days pay, and in addition for every twenty-four hours of such unlawful absence either a sum not exceeding *six* days pay, 35 or any expenses which have been properly incurred in hiring a substitute.

In any proceeding against a seaman or apprentice under this section he may, if he think fit, be sworn and examined as a witness in the case. 40

A.D. 1875.

17. Where any person is guilty of desertion or a kindred offence, the master or any mate, or the owner, ship's husband, or consignee of the ship to which the offender belongs, or any person specially authorised in writing by the owner or master of the ship, may arrest
 5 the offender, without warrant, in any place in Her Majesty's dominions, and also in any place out of Her Majesty's dominions, if and so far as the law of that place so permits; and every constable shall give to the person making the arrest such assistance as he may require.

Power
 of arrest in
 cases of
 desertion.
 17 & 18 Vict.
 c. 104, ss.
 246, 247,
 and 248.

The person arresting the offender may, and in case the offender so
 10 requires and it is practicable, shall, convey him before some court having cognizance of the offence, and for that purpose may detain him in custody for such period not exceeding *twenty-four* hours as may be necessary.

He may also, if the offender does not require to be taken before
 15 the court, or if there is no such court at or near the place, at once convey the offender on board his ship.

If any such arrest appears to the court to have been made on improper or insufficient grounds, the person who makes the same or causes the same to be made shall incur a penalty not exceeding
 20 *twenty* pounds; but the infliction of that penalty shall be a bar to any action for false imprisonment in respect of the arrest.

18. Any seaman or apprentice to the sea service who quits his ship without leave after her arrival at her port of delivery and before she is placed in security shall be liable on summary
 25 conviction to forfeit out of his wages a sum not exceeding one month's pay.

Absence
 without
 leave.
 17 & 18 Vict.
 c. 104, s. 243.

Any seaman or apprentice to the sea service who is at any other time absent from his ship or his duty without leave and without sufficient reason, shall be liable on summary conviction to
 30 imprisonment for any period not exceeding four weeks, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum not exceeding ten days pay.

19. Any seaman or apprentice to the sea service who wilfully
 35 damages his ship, or embezzles or takes without permission any of her stores or cargo, or wilfully or by gross negligence wastes or damages the same, or embezzles or wilfully damages any property belonging to the crew, or passengers, or other persons on board her, shall be liable, on summary conviction, to imprisonment for any
 40 period not exceeding twelve weeks, with or without hard labour, and, at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum equal in amount to the loss thereby sustained.

Wilful da-
 mage and
 embezzle-
 ment.
 17 & 18 Vict.
 c. 104, s. 243.

A.D. 1875.

Double
penalties
where
offence
tends to
endanger
ship, life, or
limb.

20. Whosoever commits any of the offences which, by the provisions of this Act relating to discipline, are punishable on summary conviction, under such circumstances that the offence tends to the immediate loss, destruction, or serious damage of the ship to which the offender belongs, or tends immediately to endanger the life 5 or limb of any person belonging to or on board the ship, shall be liable to a punishment not exceeding double that to which he would have been otherwise liable.

Liability of
seamen for
loss to owner
caused by
smuggling.
17 & 18 Vict.
c. 104. s. 243.

21. Any seaman or apprentice to the sea service belonging to any ship who is convicted of any act of smuggling, whereby loss 10 or damage is occasioned to the master or owner of the ship, shall be liable to pay to the master or owner such a sum as is sufficient to reimburse him for the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of the liability, without prejudice to any further remedy. 15

S. 244 of
Merchant
Shipping
Act, 1854, to
be read as re-
ferring to
this Act.

Saving for
other enact-
ments.

22. Section two hundred and forty-four of the Merchant Shipping Act, 1854, shall be construed as if the words "enumerated in the " sections of this Act relating to discipline" were therein substituted for the words "enumerated in the last preceding section."

23. Nothing in this Act shall prevent any person from being 20 liable under any other enactment of the Merchant Shipping Acts, 1854 to 1875, or under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Power for
court of
summary
jurisdiction
to commit
for trial, &c.
in case of
serious
offences.

24. Where proceedings are taken before any court of summary 25 jurisdiction, in pursuance of this or any other Act or otherwise, against any person for any offence which is punishable under this Act, if the court think the offender should be indicted or otherwise proceeded against for a punishment exceeding that which the court has power to inflict, the court may, instead of adjudicating sum- 30 marily on the case, deal with it in such manner as will enable proceedings to be taken against the offender for such larger punishment.

Safety (Part IV. of Merchant Shipping Act, 1854).

Particulars
to be marked
on British
ships.
36 & 37 Vict.
c. 85. s. 3.

25. Every British ship registered on or after the first day of January one thousand eight hundred and seventy-six shall before 35 registry, and every British ship registered before that day shall on or before that day, be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows:

(1.) Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked 40

on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth :

- 5 (2.) Her official number and the numbers denoting her tonnage shall be cut in on her main beam :
- (3.) A scale of feet for the purpose of denoting her draught of water shall be marked on each side of her stem and of her stern post :
- 10 (4.) A scale of feet for the purpose of denoting the extent of her clear side shall be marked on each of her sides at a distance abaft the stem equal to three fifths of her length between perpendiculars. The zero point of this scale shall be at the deck up to which full scantlings are carried,
- 15 and shall be marked at a point level with the top of the deck plank next the water-way at the place of marking, and the scale shall be carried downwards to a distance equal to one third of the ship's depth below the said zero point :
- 20 (5.) All these scales shall be marked in Roman capital letters or in figures, not less than six inches in length, the lower line of the letters or figures to coincide with the draught line or water line denoted thereby. The letters or figures shall be painted white or yellow on a dark ground, or
- 25 black on a light ground :
- (6.) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant
- 30 Shipping Acts, 1854 to 1875 :

Provided that,—

- (a.) The Board of Trade may exempt any class of ships from the requirements of this section or any of them :
- (b.) No fishing vessel duly registered, lettered, and numbered in
- 35 pursuance of the Sea Fisheries Act, 1868, shall be required to have her name and port of registry marked under this section :
- (c.) If any registered British ship is not within a British port of registry at any time before the first day of January
- 40 one thousand eight hundred and seventy-six, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

31 & 32 Vict.
c. 45.

A.D. 1875.

Penalty for
offences in
relation to
marks on
ships.
36 & 37 Vict.
c. 85. s. 3.

26. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in 5
the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any principal officer of customs may detain a ship which is insufficiently or inaccurately marked until the insufficiency or inaccuracy has been remedied. 10

If any of the scales of feet required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Record
draught of
water and
extent of
clear side.
See
34 & 35 Vict.
c. 110. s. 5.

27. Every master of a British sea-going ship who is required to keep an official log book shall, when the ship is completely loaded 15
for the purpose of proceeding to sea from any dock, wharf, port, or harbour, enter in the official log book, in the place provided for that purpose, the ship's draught of water and the extent of her clear side, in feet and fractions of feet, as denoted by the scales of feet on her stem, stern post, and sides, and shall produce these 20
entries to any officer of the Board of Trade, officer of customs, or British consular officer whenever required by him so to do.

The Board of Trade may in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such 25
particulars as the Board of Trade may direct, the ship's draught of water and the extent of her clear side, as denoted by the scales of feet on her stem, stern post, and sides, upon her leaving or being about to leave any dock, wharf, port, or harbour in the United Kingdom, the Channel Islands, or Isle of Man, for the purpose of 30
proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same or a copy thereof to the Board of Trade.

Any entry or record made in accordance with the requirements of this section, and any copy of such record, if produced by or 35
out of the custody of the Board of Trade, shall be admissible in evidence of the ship's draught of water or of the extent of the ship's clear side (as the case may be) at the time specified in the entry or record.

Any master who fails to comply with the requirements of this 40
section shall incur a penalty not exceeding twenty pounds.

This section shall not come into operation until the first day of January one thousand eight hundred and seventy-six.

28. Whenever any British foreign-going ship is about to proceed to sea from any port in the United Kingdom, the Channel Islands, or the Isle of Man, and has any deck cargo on board, the master of the ship shall make an entry in the ship's official log

A.D. 1875.
Entry of deck cargo in official log.

5 book in the place provided for that purpose, showing the weight, bulk, and description of all the deck cargo on board the ship at the time of her proceeding to sea, and shall leave a copy of this entry at the custom house (if any) at the port, or in default shall incur a penalty not exceeding *twenty* pounds.

10 For the purposes of this section the term "deck cargo" means any cargo placed upon the upper uncovered surface of any portion of the ship, or in any space above the tonnage deck which has not been included in the cubical contents forming the registered tonnage of the ship.

15 The copies of these entries shall be made in forms to be provided for that purpose by the Board of Trade.

29. It shall be the duty of the owner of every British sea-going ship to see that she is properly equipped with boats, and with rafts or other appliances for saving life, and a ship shall not be deemed seaworthy unless she is properly so equipped.

Equipments for sea-going ships.
17 & 18 Vict. c. 104.
ss. 292, 293.
36 & 37 Vict. c. 85. s. 15.
18 & 19 Vict. c. 119. s. 27.

A ship shall be deemed to be properly so equipped,—

(1.) If her boats, rafts, and other appliances are in good order and furnished with all requisites for lowering and for use, and are so carried as to be ready for instant use in case of

25 emergency;

(2.) (a.) If her boats and rafts are sufficient to carry all the persons on board the ship; or

(b.) in the case of ships surveyed by the Board of Trade as "passenger steamers" or "passenger ships," if her boats and other appliances are in accordance with the regulations contained in the first schedule to this Act, or such modifications thereof as may from time to time be sanctioned by the Board of Trade; and

30

(3.) If she is furnished with at least two life buoys or life jackets, or, in the case of a ship surveyed by the Board of Trade, with life buoys or life jackets of such number and description as the Board of Trade may from time to time by general instructions direct.

35

30. A steamship shall not be deemed to have her compasses properly adjusted within the meaning of section three hundred and one of the Merchant Shipping Act, 1854, unless they have been

Adjustment of ships compasses.
See
17 & 18 Vict. c. 104. s. 301.

[4.]

B 3

A.D. 1875. — adjusted by a person holding a valid certificate, granted as herein-after mentioned :

- (1.) For the purpose of granting such certificates the Board of Trade shall cause examinations to be held from time to time in the laws of the deviation of the compasses in a ship, and in the manner of compensating for or correcting such deviation :
- (2.) The Board of Trade may appoint times and places for these examinations, and may appoint, remove, and reappoint examiners to conduct the same, and may from time to time make, alter, and revoke rules as to the conduct of the examinations and the qualifications of the applicants :
- (3.) Every applicant for examination shall pay to such persons as the Board of Trade appoint for the purpose such fees as the Board direct : 15
- (4.) All such fees shall be carried to the Mercantile Marine Fund, and all expenses attending the examinations shall be paid out of the Mercantile Marine Fund :
- (5.) The Board of Trade shall deliver to every applicant who is duly reported to have passed the examination satisfactorily, and to have given satisfactory evidence of character, a certificate to that effect : 20
- (6.) The Board of Trade may cancel any certificate so granted on proof of the incompetency or misconduct of the holder thereof. 25

Appoint-
ment of
surveyors in
British
possessions.
31 & 32 Vict.
c. 129, s. 3.

31. The governor of any British possession may from time to time appoint fit and proper persons to be surveyors of British ships for the purposes of the Merchant Shipping Acts, 1854 to 1875, and the persons so appointed shall and may exercise within that possession all the powers of surveyors appointed by the Board of Trade under the Merchant Shipping Act, 1854. 30

Explanation
of s. 11. of
Merchant
Shipping
Act, 1871.
34 & 35 Vict.
c. 110, s. 11.

32. Section eleven of the Merchant Shipping Act, 1871, which makes the sending of an unseaworthy ship to sea a misdemeanor, shall be construed as if the words "or take" were added after the words "to send," and as if the words "or takes" were added after the word "sends," and shall be deemed to extend to and include the master of the ship. 35

Mercantile Marine Fund (Part VII. of Merchant Shipping Act, 1854).

Grants to
training
ships.

33. It shall be lawful for the Board of Trade to make out of the Mercantile Marine Fund grants to managers of training ships in 40

respect of boys trained in those ships, who are in point of physical capacity, age, character, and acquirements qualified to serve in the merchant service and in the Royal Naval Reserve. A.D. 1875.

The grants shall be made upon such conditions as Her Majesty may from time to time by Order in Council determine.

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854).

34. In case of any of the events following (in this Act referred to as shipping casualties); that is to say,
- 10 (1.) Where within the limits of the United Kingdom any British or foreign ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign ship or boat, or the life of any person belonging to such ship or
- 15 ~~ship or boat~~ boat has been lost;
- (2.) Where without the limits of the United Kingdom any British ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign ship or boat, or the
- 20 life of any person belonging to such ship or boat has been lost, and any witness is found within the United Kingdom, the receiver for the district where the shipping casualty happens or where any such witness is found, as the case may be, or some person other than the receiver appointed for the purpose by the
- 25 Board of Trade shall, subject to instructions from the Board of Trade, and in the manner provided by this Act, make a preliminary inquiry respecting the shipping casualty, and the causes thereof, and the circumstances attending the same.
35. For the purposes of any such preliminary inquiry the receiver or other person appointed to make the inquiry shall have the same powers, and any person failing to comply with his directions shall be liable to the same penalties as if the receiver or other person so appointed were an inspector appointed under the Merchant Shipping Act, 1854.
- 35 The receiver shall examine each witness on oath and shall take down in writing and sign the examinations, including therein any extracts which he thinks fit to make from the ship's logs or other papers, and may require the witnesses to sign their examinations respectively.
- 40 He shall make two copies of the examinations and extracts, and shall send one of the copies to the Board of Trade and the other to
- [4.] B 4

Preliminary inquiries into shipping casualties. 17 & 18 Vict. c. 104. ss. 432, 448.

Manner of conducting preliminary inquiries. 17 & 18 Vict. c. 104. ss. 432, 448, 449.

A.D. 1875. the secretary of Lloyds in London, and the last-mentioned copy shall be placed by the said secretary in some conspicuous situation for the inspection of persons desirous of examining the same.

Any examinations (with the extracts from logs or papers included therein) taken in pursuance of this section, purporting to be signed 5 by the person taking the same, and also any copy thereof purporting to be certified by the Board of Trade as a true copy under their seal or under the hand of one of their secretaries or assistant secretaries, shall in all courts and before any person having by law or consent authority to take evidence, be admissible as evidence 10 of any matter contained therein relative to the casualty, and the causes thereof, and the circumstances attending the same, whether or not such matter was material to the inquiry by the receiver.

Any witness of a shipping casualty found at a place other than 15 the place where a preliminary inquiry respecting the casualty is or may be held may be examined by a receiver or other person appointed by the Board of Trade at the place where the witness is found.

Statements to be made by the master of a British ship to which a shipping casualty has happened.

36. Whenever a shipping casualty happens in the case of a British 20 ship or boat, the master, or, if the master is dead, the chief surviving officer shall, upon first landing in the United Kingdom after the happening of such casualty, and within twenty-four hours of such landing, attend and submit himself for examination before the receiver for the district where the place of his landing is situate, 25 or other the person appointed to hold inquiries into shipping casualties in the district, unless he has been previously examined or excused from attending for examination by a receiver.

If any master or officer makes default in obeying the provisions of this section he shall incur a penalty not exceeding *fifty pounds*. 30

Formal investigation of shipping casualties.

17 & 18 Vict. c. 104. s. 433. See 34 & 35 Vict. c. 78. s. 7.

37. Where it appears to the Board of Trade, either upon or without a preliminary inquiry by a receiver or other person, that a formal investigation of a shipping casualty, and of the causes thereof, and of the circumstances attending the same, is expedient, the Board of Trade may by order direct such investigation to be held, 35 and determine the place for the holding thereof; and with respect to such investigation the following provisions shall have effect:—

- (1.) The investigation shall be held by one of the following magistrates, that is to say, in England a stipendiary or metropolitan police magistrate, in Scotland a sheriff, and 40 in Ireland a divisional justice or resident magistrate:

(2.) The magistrate shall hold the investigation with the assistance . A.D. 1875.

of an assessor or assessors of skill and experience in seaman-
ship, or in the building, loading, or management of
ships and their machinery and equipments, as the case
may require, to be appointed in England by the judge
of the High Court of Admiralty, in Scotland by the Lord
President of the Court of Session, or, him failing, the
Lord Justice Clerk, and in Ireland by the judge of the
Court of Admiralty of Ireland; and for the purpose of
enabling this appointment to be made, the Board of
Trade shall give notice that the investigation is to be held
to the registrar of the court by whom the appointment
is to be made :

(3.) The magistrate shall hold the investigation in open court,
in such manner and under such conditions as he may
think most effectual for ascertaining the causes and
circumstances of the casualty and enabling him to make
the report in this section mentioned :

(4.) The Board of Trade may appoint a person to conduct the
case on their behalf :

(5.) The magistrate shall have for the purpose of the investiga-
tion all the powers which he would have under the Sum-
mary Jurisdiction Acts if the investigation were a matter
in which he had authority by law to make an order,
and in addition the following powers ; namely,

(a.) He may, with or without the assessor or assessors,
if any, go on board any ship or boat, and inspect the
same or any part thereof, or any of the machinery,
boats, equipments, or other articles on board thereof :

(b.) He may by summons under his hand require the
attendance of all such persons as he thinks fit to
call before him and examine for the said purpose,
and may for that purpose require answers or returns
to such inquiries as he thinks fit to make :

(c.) He may require and enforce the production of all
books, papers, and documents which he considers
important for the said purpose :

(d.) He may require any person examined to make and
sign a declaration of the truth of the statements
made by him in his examination :

(6.) Every person so summoned shall be allowed such expenses
as would be allowed to a witness attending on subpoena
before a court of record, and in case of dispute as to the

A.D. 1875.

amount to be allowed the same shall be referred by the magistrate to a master of one of the superior courts, who, on request under the hand of the magistrate, shall ascertain and certify the proper amount of those expenses :

- (7.) The magistrate shall make a report stating the causes of the casualty and all the circumstances attending the same, and whether the same was due wholly or partly to the act or default of any person or persons, or to circumstances beyond the control of any person.

He may state in the report such extracts from and observations on the evidence as he thinks fit, and shall state any matters arising out of the investigation of which he thinks the Board of Trade should be informed.

The report shall be read in open court, and shall forthwith be sent to the Board of Trade, and the Board may, if they see fit, publish the same :

- (8.) The magistrate may make such order as he thinks fit respecting the costs and expenses of the investigation ; and such order shall, on the application of any person entitled to the benefit of the same, be enforced by the magistrate as if it had been made in some matter within his ordinary jurisdiction :

- (9.) One of Her Majesty's Principal Secretaries of State may, with the approval of the Commissioners of Her Majesty's Treasury, award such remuneration as he thinks reasonable to any magistrate acting under this section, and to any assessor appointed under this section, in respect of his services hereunder, *and such remuneration shall be paid out of moneys to be provided by Parliament :*

- (10.) The Board of Trade may from time to time, with the approval of the Lord Chancellor, and so far as relates to fees with the approval of the Commissioners of Her Majesty's Treasury, make general orders with respect to the service of notice on persons interested in any such investigation, the conditions on which persons may appear thereat, the persons who may be made liable for the costs thereof, the fees to be paid in respect thereof, and generally as to the mode of conducting the investigations, and these orders shall have effect as if they were enacted in this Act :
- (11.) If, in the opinion of the Board of Trade, an investigation under this section cannot be conveniently held by any of the magistrates mentioned in this section, the Board may,

by order, direct the investigation to be held by a judge of a local Court of Admiralty to be named in the order, and thereupon all the provisions of this section shall apply to the judge so named, and to the investigation to be held by him, in the same manner as if he were one of the magistrates herein-before mentioned.

A.D. 1875.

38. Where any coroner in England holds, or is about to hold, an inquest on the death of any person occasioned by an accident happening on board of, or in connection with, any ship or boat, and makes a written request to the Board of Trade in this behalf, the Board of Trade may, if they think fit, appoint some competent person, possessing special skill and experience in seamanship, or in the building, loading, or management of ships and their machinery and equipments, as the case may require, to assist in holding the inquest, and the appointee shall act as the assessor of the coroner, and shall make the like report to the Board of Trade, and the report shall, if the Board think fit, be made public in like manner as in the case of a formal investigation of a shipping casualty under this Act.

Power to appoint a skilled assessor to coroner. See 34 & 35 Vict. c. 78. s. 8.

39. The legislature of any British possession other than the Isle of Man may, by an Act or Ordinance, make provision for holding inquiries and investigations respecting shipping casualties happening either within or beyond the territorial limits of that possession, and for the attendance and examination of witnesses at such inquiries and investigations; provided that every such Act or Ordinance shall be void so far as it is enacted under this section unless it be reserved for the signification of Her Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Investigations of shipping casualties in British possessions.

40. Whenever it has been made to appear to Her Majesty that the government of any foreign state is desirous that all or any of the provisions of the Merchant Shipping Acts, 1854 to 1875, relating to inquiries into and investigations of shipping casualties happening within the limits of the United Kingdom shall extend to cases where any such casualty happens to a ship or boat of that state in any place without the limits of the United Kingdom, Her Majesty may, by Order in Council, declare that such of the said provisions as are specified in the order shall, subject to the limitations, if any, contained in the order, extend to such cases accordingly, and thereupon, so long as the order remains in

Power, by consent, to apply to foreign countries provisions of the Merchant Shipping Acts, 1854 to 1875, as to shipping casualties.

A.D. 1875. force, the provisions so specified shall, subject to the said limitations, extend to such cases in the same manner as if the casualty had happened within the limits of the United Kingdom.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

5

Liability of owners of unseaworthy ships.

See 25 & 26 Vict. c. 63, s. 54. & 34 & 35 Vict. c. 110, s. 11.

41. Where, by reason of a ship having been sent to sea in an unseaworthy condition, any loss of life, or personal injury is caused to any person being carried in the ship, or any damage or loss is caused to any goods, merchandise, or other things whatsoever on board the ship, then, notwithstanding the provisions of section fifty-four of the Merchant Shipping Act Amendment Act, 1862, the liability of the owner of the ship in respect of the loss, injury, or damage, shall be unlimited, unless he proves that he and his agents used all reasonable means to make and keep the ship seaworthy, and was and were ignorant of her unseaworthiness, or that her going to sea in an unseaworthy condition was under the circumstances reasonable and unavoidable. 15

Any agreement, provision, or stipulation having for its object or effect to avoid or limit the liability of a shipowner in the cases referred to in this section shall be void. 20

Liability of owner for death or injury of seaman caused by unseaworthiness.

42. It shall be the duty of every owner of a ship, as between himself and the crew of the ship, to make and keep the ship seaworthy, and if by reason of the neglect or default of the owner of the ship, or of any of his agents, in making or keeping the ship seaworthy, any member of the crew is killed or injured, the owner of the ship shall be liable in damages for the death or injury. 25

Application to Scotland.

Application to Scotland.

43. In the application of this Act to Scotland—

- (1.) The term “sheriff” shall include “sheriff substitute”;
- (2.) The term “registrar of the court” shall mean “the senior principal clerk attached to the first division of the Court of Session”;
- (3.) The term “attending on subpœna before a court of record” shall mean “attending on citation the court of judiciary”; and
- (4.) The Queen’s and Lord Treasurer’s Remembrancers shall perform the duties of a master of one of the superior courts. 35

Repeal.

A.D. 1875.

Repeal and
saving.

44. On and after the passing of this Act, the Acts mentioned in the second schedule to this Act shall be repealed to the extent mentioned in the third column of that schedule, and on and after the
- 5 first day of January one thousand eight hundred and seventy-six, there shall be repealed section five of the Merchant Shipping Act, 1871, section three of the Merchant Shipping Act, 1873, and section four of the same Act, from "The record" to "lowest part of the side," both inclusive; but this repeal shall not affect—
- 10 (1.) Anything duly done before this Act comes into operation ;
- (2.) Any right acquired or liability accrued before this Act comes into operation ;
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before
- 15 this Act comes into operation ; or
- (4.) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

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SCHEDULES.

FIRST SCHEDULE.

REGULATIONS as to boats and other equipments to be carried by ships surveyed by the Board of Trade.

1. Every ship of 300 tons net register or upwards shall carry boats according to the following scale :— 5

Number of Net Register Tons.	Number of Boats.	Cubic Contents.	
2,000 and upwards - -	4 2 4	3,120 1,170 1,856	10
Total - -	10	6,146	
1,500 to 2,000 - - -	2 4 2	1,560 1,856 1,170	15
Total - -	8	4,586	
1,000 to 1,500 - - -	2 2 2	1,560 928 660	20
Total - -	6	3,148	
700 to 1,000 - - -	2 2 2	1,170 928 517	
Total - -	6	2,615	
500 to 700 - - -	2 2	1,170 660	25
Total - -	4	1,830	
300 to 500 - - -	3	1,500	

2. Every ship of less than 300 tons net register shall carry boats of such number and description as the Board of Trade may deem requisite. 30

3. Provided that—

(a.) No ship shall be required to carry boats having an aggregate capacity of more than seventeen cubic feet (as ascertained by these regulations) for each "statute adult" on board the ship. 35

A.D. 1875.

- (b.) Where the aggregate capacity of the boats carried by a ship is less than seventeen cubic feet (ascertained as aforesaid) for each "statute adult" on board the ship, she shall carry such additional boat or boats, or other appliances, as the Board of Trade may from time to time by general instructions, having regard to the proper working and handling of the ship, direct.
- 5
4. Every boat required by these regulations to be carried must be fitted as a life boat, and must have for every seventeen cubic feet (ascertained as aforesaid) of her entire contents, one and a half true cubic feet of
- 10
- air space enclosed in compartments, fitted and arranged in such manner and constructed of such material as the Board of Trade may from time to time by general instructions direct.
5. For the purpose of these regulations, a boat shall be deemed to contain such number of cubic feet as will be arrived at by multiplying her
- 15
- length over all by her extreme breadth, and by her inside depth amidships.
6. The Board of Trade may allow rafts or other appliances to be substituted for any of the boats required by these regulations to be carried.

SECOND SCHEDULE.

20	Session and Chapter.	Title.	Extent of Repeal.
	11 W. 3.c. 7. -	An Act for the more effectual suppression of piracy.	Section seventeen.
25	17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Sections one hundred and seventy-five, two hundred and thirty-nine and two hundred and forty-one, sub-sections (1) and (2) of section two hundred and forty-two, sections two hundred and forty-three, two hundred and forty-six, two hundred and forty-seven, two hundred and forty-eight, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-four, four hundred and thirty-two to four hundred and thirty-eight both inclusive, four hundred and forty-eight, and four hundred and forty-nine.
30			
35			
40	18 & 19 Vict. c. 119.	The Passengers Act, 1855.	So much of section twenty-seven as relates to boats and life buoys.
	25 & 26 Vict. c. 63.	The Merchant Shipping Act Amendment Act, 1862.	Section eleven, and section twenty-three except sub-section (1).
	31 & 32 Vict. c. 129.	The Colonial Shipping Act, 1868.	Section three.
45	36 & 37 Vict. c. 85.	The Merchant Shipping Act, 1873.	Sections six and fifteen.

Merchant Shipping Acts Amendment.

A

B I L L

To amend the Merchant Shipping Acts.

(Prepared and brought in by
Sir Charles Adderley, Mr. Cavendish Bentinck,
and Mr. William Henry Smith.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 4.]

Under A 62.

Merchant Shipping Acts Amendment Bill.

[AS AMENDED IN COMMITTEE.]

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12. Charges against officers.

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13. Misconduct endangering ship or life or limb.
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15. Combining to disobey.
16. Assault on officer.
17. Insubordination, breach of discipline, and negligence.
18. Neglect to keep look-out.
19. Desertion and kindred offences.

[Bill 116.]

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20. Power of arrest in cases of desertion.
21. Survey of ship alleged to be unseaworthy.
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25. Double penalties where offence tends to endanger ship, life, or limb.
26. Court to have regard to previous convictions.
27. Power for court to discharge apprentice.
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29. Provisions of this Act to be substituted for corresponding provisions of Act of 1854.
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36. Entry of deck cargo in official log.
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43. Grants to training ships.

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44. Preliminary inquiries into shipping casualties.
45. Manner of conducting preliminary inquiries.

- 46. Statements to be made by the master of a British ship to which a shipping casualty has happened.
- 47. Formal investigation of shipping casualties.
- 48. Power to appoint a skilled assessor to coroner.
- 49. Investigations of shipping casualties in British possessions.
- 50. Power, by consent, to apply to foreign countries provisions of the Merchant Shipping Acts, 1854 to 1875, as to shipping casualties.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854.)

- 51. Liability of shipowner to passengers and owners of goods.
- 52. Liability of shipowner to crew.

Application to Scotland, &c.

- 53. Application to Scotland.
- 54. Application to Isle of Man.

Repeal.

- 55. Repeal and saving.

SCHEDULES.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Merchant Shipping Acts.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

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Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1875. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875. Construction of Act.

3. In this Act,—

The term “limits of the United Kingdom” includes any tidal water within the United Kingdom or the Isle of Man, and the sea for a distance of three miles from the coasts thereof, and also any bay, estuary, arm of the sea, sand, shoal, island, or place neighbouring thereto, over which Her Majesty has or may have jurisdiction : Definitions.

The term “local court of Admiralty” means—

(1.) In England any court having jurisdiction under the County Court Admiralty Jurisdiction Act, 1868 :

(2.) In Scotland the sheriff court of the county :

(3.) In Ireland any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867 :

The term “Summary Jurisdiction Acts” means—

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of justices of the peace out of sessions

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“ within England and Wales with respect to summary
“ convictions and orders,” and any Acts amending the
same :

As to Scotland, “ The Summary Procedure Act, 1864 :”

As to Ireland, within the police district of Dublin metropolis, 5
the Acts regulating the powers and duties of justices of
the peace for such district; and elsewhere in Ireland,
“ The Petty Sessions (Ireland) Act, 1851,” and any Acts
amending the same.

Registry (Part II. of Merchant Shipping Act, 1854).

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Power for
foreign state
to object to
transfer of
foreign ship
to British
register.

4. Where upon the sale by an owner or mortgagee of any ship
which is or has been lawfully entitled to use the flag and assume
the national character of a foreign state, application is made for
her registry as a British ship, if objection is made to the registry
by any person recognised by one of Her Majesty's Principal 15
Secretaries of State as the diplomatic representative or consul
general of that state, on the ground that the registry will enable
the ship to evade any liability imposed on her by the laws of that
state, the ship shall not be registered as a British ship until the
objection has been withdrawn. 20

Registry of
British ship
not to be
closed
without
consent of
owners and
mortgagees.
See
17 & 18 Vict.
ss. 53, 81.

5. Upon the transfer of a British ship to any person not
qualified to own a British ship, the registry of the ship shall not be
closed until an instrument signed by or on behalf of all the persons
appearing by the register to be interested in the ship as owners or
mortgagees, signifying their assent to the transfer, has been pro- 25
duced to the registrar of the port at which the ship is registered.
Provided that this section shall not apply to a transfer under a
certificate of sale.

Any person who knowingly makes any false statement in any
such instrument, or utters, produces, or makes use of any such 30
instrument, knowing any statement contained therein to be false,
shall be guilty of a misdemeanor.

Evidence of
national
character of
ship.

6. In the following cases ; that is to say,

- (1.) Where application is made to a registrar to close the
registry of a British ship on the ground of her having been 35
transferred to a person not qualified to own a British ship ;
and
- (2.) Where the master of a ship claiming to be a foreign ship is
required to make a declaration of her national character to
an officer of customs for the purpose of obtaining a 40
clearance or transire,

if any doubt is entertained as to the national character of the ship, the registrar may, if he thinks fit, refuse to close the registry, and the officer may, if he thinks fit, refuse to grant a clearance or transire, until evidence has been produced to his satisfaction of the national character of the ship.

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7. Where application is made for the registry or re-registry as a British ship of any ship which has been wrecked or abandoned, the ship shall not be registered until she has, at the expense of the applicant, been surveyed by one of the surveyors appointed by the Board of Trade, and has been certified by him to be seaworthy.

Restrictions on registration of wrecked or abandoned ships.
36 & 37 Vict.
c. 85. s. 6.

8. A vessel registered as a British ship shall not be registered as a British sea-fishing boat by any name other than that by which she is for the time being registered as a British ship.

15 A vessel registered as a British sea-fishing boat shall not be registered as a British ship by any name other than that by which she is for the time being registered as a British sea-fishing boat.

Rule as to names of British sea fishing boats.
34 & 35 Vict.
c. 110. s. 6.
31 & 32 Vict.
c. 45.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Wages.

20 9. Any document authorising or purporting to authorise the payment of money on account of a seaman's wages, and made before those wages have been actually earned, shall be void.

Advance notes illegal.

No moneys paid in satisfaction or in respect of any such document or otherwise advanced by or on behalf of a shipowner to or on behalf of a seaman on account of his wages before those moneys have been actually earned shall be deducted from his wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any moneys so paid or advanced, or purporting to have been so paid or advanced.

30 Provided that—

(1.) Nothing in this section shall invalidate any allotment note duly made under the Merchant Shipping Act, 1854;

35 (2.) Nothing in this section shall invalidate any advance of wages made to seamen engaged in British ships in any British possession or foreign country, unless the advance of wages to seamen engaged in ships belonging to that possession or country is forbidden by the municipal law of the possession or country; and

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- (3.) Upon payment to a seaman of his wages there may be deducted therefrom the reasonable cost of such necessary articles (if any) as the shipowner may have bonâ fide supplied to the seaman after his joining the ship.

Time of payment and effect of nonpayment of wages.

17 & 18 Vict. c. 104. s. 187.

10. There shall be paid to every seaman when he lawfully leaves the ship on the termination of the voyage or other the termination of his engagement, either one fourth of the wages due to him, or two pounds, whichever is least, and the sum so paid may be entered as a deduction in the account of the seaman's wages which is required to be delivered by the master.

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Subject as aforesaid, and subject also to the provisions of this Act with respect to the deposit of wages with a superintendent of a mercantile marine office, all wages due to any seaman shall be payable at the time when he lawfully leaves the ship as aforesaid, and unless paid at that time shall continue to run and become due until they are paid; but any court having cognizance of the case, upon being satisfied that the delay in payment did not arise from any default or unreasonable dispute as to liability on the part of the master or owner of the ship, may, if it think fit, disallow the whole or any part of the wages running and accruing after the time by this Act fixed for payment.

Settlement of wages, see 17 & 18 Vict. c. 104. s. 175.

Release to be signed and attested.

11. When a seaman is discharged before a superintendent of a mercantile marine office, the following rules shall be observed with respect to the settlement of his wages; (that is to say,)

- (1) When the settlement of his wages is completed he shall sign, in the presence of the superintendent, a release, in such form as may from time to time be prescribed by the Board of Trade, of all claims relating to wages in respect of the past voyage or engagement, and the master or owner of the ship shall also sign the same, and the superintendent shall also sign and attest it:

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To be a discharge.

- (2.) The release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement, so far as they relate to wages or to matters which may be set off against wages:

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And to be evidence.

- (3.) A certified copy of the release or of any part thereof shall be given by the superintendent who signs it, or by the Registrar General of Shipping and Seamen, to any person requiring the same, and a copy purporting to be so certified shall be receivable in evidence upon any subsequent question touching such claims as aforesaid, and shall have

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all the effect of the original of which it purports to be a copy : A.D. 1875.

(4.) The master or owner may, if the seaman agrees in writing, pay him a portion of the amount of wages to which he is entitled, and subsequently deposit the residue with the superintendent : Deposit of wages with superintendent.

(5.) The agreement in this case as to the payment and deposit shall be in a form to be prescribed by the Board of Trade, and shall be signed by the seaman in the presence of the superintendent, and shall contain a receipt on the part of the seaman for the part of the wages so paid to him, and shall either specify the amount of the residue to be deposited with the superintendent, or state that that amount is to be determined by the superintendent, and shall also specify the time, not exceeding seven days from the date of the agreement, at which that amount is to be deposited : Form of agreement as to deposit.

(6.) The superintendent shall remit or pay the residue so deposited with him in such manner as the seaman directs, and shall have full power to give any receipt on behalf of the seaman in respect of that residue, and any such receipt shall be of the same effect as if it had been a release signed by the seaman and attested by the superintendent :

(7.) If the agreement as to the deposit is observed the seaman's wages shall cease to run from the date of the agreement, but if default is made in the deposit at the specified time the wages shall run and become due for every day during which the default continues : Superintendent to remit sum deposited.
Wages to run if default made in deposit.

(8.) If at the time fixed for the settlement of a seaman's wages he absents himself from the place appointed for such settlement, or is not in a fit condition to give a receipt in person for his wages, the superintendent may receive the seaman's wages on his behalf, and sign a release for the same, and any such release shall have the same effect as if it had been signed by the seaman and attested by the superintendent : Power for superintendent to give receipt where seaman is absent or incapable.

(9.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid ; and that statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned : Voucher to be given to master and to be evidence.

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Decision of
superinten-
dent in small
disputes to
be final.

- (10.) In any question as to wages which may be raised before the superintendent between a master or owner and any of his crew, if the amount in dispute does not exceed five pounds, the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law he may refuse to decide it.

Certificates of Competency.

Charges
against
officers.

See

17 & 18 Vict.
c. 104. ss.
241, 434,
438, and
25 & 26 Vict.
c. 63. ss. 23,
24.

12. If any certificated officer, that is to say, any master, mate, or engineer possessing a certificate of service or competency, is charged with incompetency, or with having been guilty of drunkenness, tyranny, cruelty, or gross misconduct, proceedings may be taken against him as follows:

- (1.) A complaint may be made against the officer to any of the following courts; that is to say, in England any stipendiary or metropolitan police magistrate, in Scotland any sheriff, and in Ireland any divisional justice or resident magistrate; and any such complaint shall be deemed to be a matter in which the court has authority by law to make an order, and to the proceedings in which the Summary Jurisdiction Acts shall apply:
- (2.) If in the opinion of the Board of Trade the proceedings cannot be conveniently taken before any of the above-mentioned courts, they may be taken by application in a summary way to a local Court of Admiralty; and any such application shall be deemed to be an application in an Admiralty cause within the jurisdiction of the court:
- (3.) In cases where nautical or engineering skill and knowledge are required, the court shall hear and determine the complaint or application with the aid of an assessor or assessors of such skill and knowledge, to be appointed in England by the judge of the High Court of Admiralty, in Scotland by the Lord President of the Court of Session, or him failing, by the Lord Justice Clerk, and in Ireland by the judge of the Court of Admiralty in Ireland; and for the purpose of enabling this appointment to be made, the Board of Trade shall, before commencing proceedings, give notice of their intention to do so to the registrar of the court by whom the appointment is to be made:

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- (4.) The Board of Trade may appear and conduct the proceedings either by their solicitor or by any other person appointed on their behalf :
- 5 (5.) If the officer is proved to be incompetent or to have been guilty of drunkenness, tyranny, cruelty, or gross misconduct, the court may order his certificate to be cancelled, and may, if it think fit, by its order direct that a certificate of a lower grade, to be specified in the order, be substituted for the certificate to be cancelled :
- 10 (6.) The court shall at the conclusion of the case, or as soon afterwards as possible, state in open court the decision of the court with respect to cancelling the certificate, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade :
- 15 (7.) If the court orders the officer's certificate to be cancelled, the Board of Trade shall cancel it, and shall, if the order of the court so require, grant a new certificate of a lower grade in substitution for the certificate so cancelled :
- 20 (8.) The Board of Trade may, if they think the justice of the case requires it, re-issue and return any certificate which has been cancelled under this Act.

Discipline.

13. Any master of or any seaman or apprentice belonging to any British ship who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, either—

Misconduct endangering ship or life or limb.

- 25 (1.) Does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of any person belonging to or on board the ship ; or,
- 30 (2.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb ;
- 35 shall for every such offence be guilty of a misdemeanor.

17 & 18 Vict. c. 104. s. 239.

14. Any seaman or apprentice to the sea service who commits any of the following offences, that is to say, either—

Mutiny. 11 W. 3. c. 7. s. 8.

- 40 (1.) Unlawfully takes any ship out of the authority of the master, or conspires or unlawfully endeavours to take a ship out of the authority of the master ; or

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(2.) Unlawfully confines the master or any officer of his ship when on the high seas, or conspires or unlawfully endeavours to confine him; or

(3.) Makes or conspires or endeavours to make a revolt on board any ship when on the high seas, 5
shall be guilty of mutiny.

Whosoever is guilty of mutiny shall be deemed guilty of felony, and shall for each offence be liable to be kept in penal servitude for any term not less than the minimum term allowed by law, or to be imprisoned for any term not exceeding two years, with or without 10
hard labour.

Whosoever is guilty of mutiny may, instead of being prosecuted for a felony, be prosecuted in a summary manner, and if so prosecuted and convicted shall be liable to imprisonment for any period not exceeding six months, with or without hard labour, and to 15
forfeit all wages due to him.

Combining
to disobey.
17 & 18 Vict.
c. 104. s. 243.

15. Any seaman or apprentice to the sea service who combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, shall be liable, on summary conviction, to imprison- 20
ment for any period not exceeding twelve weeks with or without hard labour, and, at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit all or any part of the wages due to him.

Assault on
officer.
17 & 18 Vict.
c. 104. s. 243.

16. Any seaman or apprentice to the sea service who assaults 25
any officer of his ship shall be liable, on summary conviction, to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and either in addition to or in substitution for such imprisonment to forfeit a sum not exceeding four weeks
pay. 30

Insubordi-
nation,
breach of
discipline,
and negli-
gence.
17 & 18 Vict.
c. 104. s. 243.

17. Any seaman or apprentice to the sea service who is—

(a.) Guilty of wilful disobedience to any lawful command, or of any other act of insubordination; or

(b.) Drunk when on duty, or guilty of any other gross breach of discipline; or 35

(c.) Guilty of gross carelessness or wilful neglect in the discharge of his duty,

shall be liable on summary conviction to imprisonment for any period not exceeding four weeks, with or without hard labour, and at the discretion of the court, either in addition to or in substitution 40
for such imprisonment, to forfeit out of his wages a sum not exceeding four weeks pay.

If the insubordination or neglect is continued, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages, for every twenty-four hours continuance of such insubordination or neglect, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute.

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18. It is hereby declared to be the duty of every master of a ship to provide for a proper look-out being duly placed, kept, and relieved, and to be the duty of every officer in charge of the deck to see that a proper look-out is kept whilst he is so in charge.

Neglect to keep look-out.

Any master or officer who makes default in performance of this duty shall be liable, on summary conviction, to imprisonment for any period not exceeding six months, with or without hard labour, and if he is a certificated officer to have his certificate cancelled.

Any seaman or apprentice to the sea service who, when on the look-out, is drunk or asleep, or otherwise neglects to keep the look-out, shall be liable, on summary conviction, to imprisonment for any period not exceeding eight weeks, with or without hard labour, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum not exceeding four weeks pay.

19. Any seaman or apprentice to the sea service who commits any of the following offences (in this Act referred to as desertion or a kindred offence), that is to say,

Desertion and kindred offences.
11 W. 3.
c. 7. s. 17.
17 & 18 Vict.
c. 104. s. 243.

(a.) Deserts from his ship ;
(b.) Neglects or refuses, without reasonable cause, at any time during his engagement, to join his ship, or to proceed to sea in his ship ; or

(c.) Is absent without leave, and without sufficient reason, from his ship or his duty at any time within twenty-four hours of the time appointed for his being on board or for the ship's sailing from any port either at the commencement or during the progress of any voyage,

shall be liable, on summary conviction, to imprisonment for any period not exceeding six weeks with or without hard labour, and at the discretion of the court, either in addition to or in substitution for such imprisonment,—

(1.) In cases of desertion, to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which

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he has then earned, and also, if such desertion takes place abroad, to forfeit all or any part of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and

- (2.) In the case of any of the preceding offences not amounting to desertion, or not treated as such by the master, to forfeit a sum not exceeding the amount of ten days pay, and in addition for every twenty-four hours of such unlawful absence either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute.

In any proceeding against a seaman or apprentice under this section he may, if he think fit, be sworn and examined as a witness in the case.

Power of
arrest in
cases of
desertion.
17 & 18 Vict.
c. 104. ss.
246, 247,
and 248.

20. Where any person is guilty of desertion or a kindred offence, the master or any mate, or the owner, ship's husband, or consignee of the ship to which the offender belongs, or any person specially authorised in writing by the owner, master, or consignee of the ship, may arrest the offender, without warrant, in any place in Her Majesty's dominions, and also in any place out of Her Majesty's dominions, if and so far as the law of that place so permits; and every constable shall give to the person making the arrest such assistance as he may require.

The person arresting the offender may, and in case the offender so requires and it is practicable, shall, convey him before some court having cognizance of the offence, and for that purpose may detain him in custody for such period not exceeding twenty-four hours as may be necessary.

He may also, if the offender does not require to be taken before the court, or if there is no such court at or near the place, at once convey the offender on board his ship.

If any such arrest appears to the court to have been made on improper or insufficient grounds, the person who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds, to be paid to the person arrested; but the infliction of that penalty shall be a bar to any action for false imprisonment in respect of the arrest.

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Survey of
ships alleged

21. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion or a kindred offence

it is alleged by him that the ship is, by reason of unseaworthiness, A.D. 1875.
overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accomo- to be un-
dation in the ship is insufficient, the following provisions shall have seaworthy.
See
34 & 35 Vict.
c. 110. s. 7.
36 & 37 Vict.
c. 85. s. 9.

5 effect :

- (1.) The court having cognisance of the case shall take such means
as may be in their power to satisfy themselves concerning
the truth or untruth of the allegation, and shall for that
purpose receive the evidence of the seaman or apprentice,
10 and shall have power to summon any other witnesses whose
evidence they may think it desirable to hear.
- (2.) If the court are satisfied that the allegation is groundless,
they shall proceed to adjudicate.
- (3.) If the court are not so satisfied, they shall require any of the
15 surveyors appointed by the Board of Trade, under the
Merchant Shipping Act, 1854, or any person appointed for
the purpose by the Board of Trade, or, if such surveyor
or person cannot be obtained without unreasonable expense
or delay, or is not, in the opinion of the court competent
20 to deal with the special circumstances of the case, then any
other impartial surveyor appointed by the court, and having
no interest in the ship, her freight or cargo, to survey the
ship and to answer any question concerning her which the
court may think fit to put.
- (4.) The surveyor or other person so appointed shall survey the
25 ship, and make his report in writing to the court, including
an answer to every question put to him by the court.
- (5.) The court shall cause the report to be communicated to the
parties, and, unless it be proved to the satisfaction of the
30 court that the opinions expressed in the report are
erroneous, the court shall determine the questions before
them in accordance with those opinions.
- (6.) For the purposes of the survey, the surveyor or other person
appointed to make the survey shall have all the powers of
35 an inspector appointed by the Board of Trade under the
Merchant Shipping Act, 1854.
- (7.) The costs, if any, of the survey shall be determined by the
Board of Trade according to a scale of fees to be fixed by
them, and shall be paid in the first instance out of the
40 Mercantile Marine Fund.
- (8.) If it is proved to the satisfaction of the court that the ship
is in a fit condition to proceed to sea, or, as the case may

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be, that the accommodation is sufficient, the costs of the survey shall be paid by the seaman or apprentice, and may be deducted by the master or owner out of the wages due or to become due to him, and shall be paid over to the Board of Trade.

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(9.) If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner; and the master or owner shall be liable to pay to the seaman or apprentice such compensation for his detention (if any) as the court may award.

(10.) If any person falsely and maliciously, or without reasonable and probable cause, makes any such allegation as aforesaid, he shall be liable on summary conviction to imprisonment for any period not exceeding four weeks, with or without hard labour.

Liability of owner of unseaworthy ship for imprisonment on charge of desertion.

22. Where a seaman or apprentice to the sea service has been imprisoned on a charge of desertion or a kindred offence, after having alleged as a defence to the charge that the ship was unseaworthy at the time of his committing the offence, if it is subsequently proved that this allegation was true, the owner of the ship shall be liable in damages for his imprisonment.

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Absence without leave.

17 & 18 Vict. c. 104. s. 243.

23. Any seaman or apprentice to the sea service who quits his ship without leave after her arrival at her port of delivery, and before she is moored in her berth, shall be liable on summary conviction to forfeit out of his wages a sum not exceeding four weeks pay.

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Any seaman or apprentice to the sea service who is at any other time absent from his ship or his duty without leave and without sufficient reason, shall be liable on summary conviction to imprisonment for any period not exceeding four weeks, and at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum not exceeding ten days pay.

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Wilful damage and embezzlement.

17 & 18 Vict. c. 104. s. 243

24. Any seaman or apprentice to the sea service who wilfully damages his ship or her equipments, or embezzles or takes without permission any of her stores or cargo, or wilfully or by gross negligence wastes or damages the same, or embezzles or wilfully damages any property belonging to the crew, or passengers, or other persons on board her, shall be liable, on summary conviction, to

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imprisonment for any period not exceeding twelve weeks, with or without hard labour, and, at the discretion of the court, either in addition to or in substitution for such imprisonment, to forfeit out of his wages a sum equal in amount to the loss thereby sustained.

25. Whosoever commits any of the offences which, by the provisions of this Act relating to discipline, are punishable on summary conviction, under such circumstances that the offence tends to the immediate loss, destruction, or serious damage of the ship to which the offender belongs, or tends immediately to endanger the life or limb of any person belonging to or on board the ship, shall be liable to a punishment not exceeding double that to which he would have been otherwise liable.

26. In fixing the amount of the punishment for any of the offences which by the provisions of this Act relating to discipline are punishable on summary conviction, the court shall have regard to the circumstance of the offence being a first offence, or of the offender having been previously convicted of the same or a similar offence.

27. In any proceeding which may be taken against an apprentice to the sea-service under the provisions of this Act relating to discipline, and in any proceeding which may be taken to decide any question, difference, or dispute between any such apprentice and the owner or master of the ship to which he belongs, the court having cognizance of the proceeding may, if having regard to all the circumstances of the case it thinks it just so to do, discharge the apprentice from his apprenticeship upon such terms as to the payment of the wages, if any, due to the apprentice, and as to the repayment of the whole or any part of the premium, if any, paid on the binding of the apprentice as to the court may seem just.

28. Any seaman or apprentice to the sea service belonging to any ship who commits any act of smuggling contrary to the laws of the United Kingdom or of any British possession or foreign country, whereby loss or damage is occasioned to the master or owner of the ship, shall be liable to pay to the master or owner such a sum as is sufficient to reimburse him for the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of the liability, without prejudice to any further remedy.

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Provisions
of this Act
to be substi-
tuted for
correspond-
ing provi-
sions of Act
of 1854.

Saving for
other enact-
ments.

Power for
court of
summary
jurisdiction
to commit
for trial, &c.
in case of
serious of-
fences.

29. The provisions of this Act relating to discipline shall be deemed to be substituted for the corresponding provisions relating to discipline contained in the Merchant Shipping Act, 1854, and all enactments referring to the latter provisions shall be construed as referring to the said provisions of this Act.

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30. Nothing in this Act shall prevent any person from being liable under any other enactment of the Merchant Shipping Acts 1854 to 1875, or under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

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31. Where any proceeding is taken in pursuance of this Act against any person for any offence which under this Act is punishable on summary conviction, if the court having cognizance of the proceeding, think the offender should be indicted or otherwise proceeded against for a punishment exceeding that which the court has power to inflict, the court may, instead of adjudicating summarily on the case, deal with it in such manner as will enable proceedings to be taken against the offender for such larger punishment.

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Safety (Part IV. of Merchant Shipping Act, 1854).

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Particulars
to be marked
on British
ships.

36 & 37 Vict.
c. 85. s. 3.

32. Every British ship shall before registry be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows :

- (1.) Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth.
- (2.) Her official number and the numbers denoting her tonnage shall be cut in on her main beam.
- (3.) A scale of feet for the purpose of denoting her draught of water shall be marked on each side of her stem and of her stern post.
- (4.) These scales shall be marked in Roman capital letters or in figures, not less than six inches in length, the lower line of the letters or figures to coincide with the draught line or water line denoted thereby.
- (5.) A line of not less than twelve inches in length and one inch in breadth shall be painted longitudinally on each side amid-

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ships indicating the height of each deck above the ship's ordinary load water line, the upper edge of the line to be level with the upper side of the deck plank next the water-way at the place of marking. These lines shall be so placed that an imaginary line drawn vertically at a distance abaft the stem equal to one half of the ship's length between perpendiculars shall exactly bisect them.

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(6.) The marks, letters, and figures required by this section shall be painted white or yellow on a dark ground, or black on a light ground, and shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1875.

15 Provided that,—

(a.) The Board of Trade may exempt any class of ships from the requirements of this section or any of them :

(b.) No fishing vessel duly registered, lettered, and numbered in pursuance of the Sea Fisheries Act, 1868, shall be required to have her name and port of registry marked under this section:

31 & 32 Vict.
c. 45.

(c.) The requirements of this section as to the marking of lines indicating the height of a ship's deck, shall apply to ships already registered at the date of the passing of this Act, with this modification, that every such ship shall, if she is within a British port of registry at any time before the first day of January one thousand eight hundred and seventy-six, be so marked on or before that day, and, if she is not within a British port of registry at any time before that day, be so marked within one month after her next return to a British port of registry subsequent to that day.

33. With respect to the marking of a load-line on British ships, the following provisions shall have effect :

Statement of
load-line.

(1.) The owner of every British ship shall, before entering his ship outwards upon any voyage for which he is required so to enter her, mark upon each of her sides amidships, in white or yellow on a dark ground, or in black on a light ground, a circular disc, not less than six inches in diameter, with a horizontal line not less than twelve inches in length, drawn through its centre.

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- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage.
- (3.) He shall also, upon so entering her, deliver to the collector or other principal officer of customs, a statement in writing, 5 in a form to be approved by the Board of Trade, of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the height of the ship's decks which may be above that centre. 10
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards.
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew, before it is signed by any 15 member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made.
- (6.) The master of the ship shall also enter a copy of this statement in the official log-book. 20
- (7.) When a ship has been marked as by this section required, she shall, unless the marks are altered as herein-after provided, be kept so marked until her next return to a port of discharge in the United Kingdom. If the owner of a ship or his agent wishes to alter the maximum load- 25 line to which he intends to load the ship at any port out of the United Kingdom, he may do so at any time before any cargo is taken on board at that port by causing similar marks to those by this section required to be made at a higher or lower level on the ship's sides. In the event of 30 any such alteration being made the marks of the ship shall forthwith enter in the official log-book a statement with respect to the new marks corresponding to the statement by this section required with respect to the original marks, and deliver a copy of this statement, if the port is in a British 35 possession, to the principal officer of customs at the port, and if the port is a foreign port, to the British consular officer at the port, and if he makes default in such delivery, shall incur a penalty not exceeding twenty pounds.
- (8.) This section shall not apply in the case of any ship until she 40 has been marked, as by this Act required, with the lines indicating the height of her decks.

34. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of customs on receipt of a certificate from a surveyor or inspector of the Board of Trade that a ship is insufficiently or inaccurately marked may detain the same until the insufficiency or inaccuracy has been remedied.

If any of the scales of feet required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

35. Every master of a British sea-going ship who is required to keep an official log book shall, when the ship is completely loaded for the purpose of proceeding to sea from any port, enter in the official log book, in the place provided for that purpose, the ship's draught of water, in feet and fractions of feet, as denoted by the scales of feet on her stem and stern post, and also a statement whether the centres of the discs indicating the ship's load-line are or are not above water, and shall—(1) if the port is in the United Kingdom, produce these entries to any officer of the Board of Trade, or officer of customs, whenever required by him so to do, (2) if the port is in a British possession, deliver a copy of these entries to the principal officer of customs or other officer appointed by the governor of that possession for the purpose, and, (3) if the port is a foreign port, deliver a copy of these entries to the British consular officer at the port.

The Board of Trade may in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade may direct, the draught of water of any sea-going ship, as denoted by the scales of feet on her stem and stern post, and the position of the discs indicating the ship's load-line upon her leaving or being about to leave any port for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same or a copy thereof to the Board of Trade.

Any record made in accordance with the requirements of this section, and any copy thereof, if produced by or out of the custody

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Penalty for offences in relation to marks on ships.

36 & 37 Vict. c. 85. s. 3.*

Record of draught of water and extent of clear side.

See 34 & 35 Vict. c. 110. s. 5.

A.D. 1875. of the Board of Trade, shall be admissible in evidence of the ship's draught of water at the time specified in the record.

Any master who fails to comply with the requirements of this section shall incur a penalty not exceeding twenty pounds.

Entry of
deck cargo
in official
log.

36. Whenever any British foreign-going ship is about to proceed to sea from any port, and has any deck cargo on board, the master of the ship shall make an entry in the ship's official log book in the place provided for that purpose, showing the weight, bulk, and description of all the deck cargo on board the ship at the time of her proceeding to sea, and shall deliver a copy of this entry (1) if the port is in the United Kingdom to the principal officer of customs at the port, (2) if the port is a British possession to the principal officer of customs or other officer appointed by the governor of that possession for the purpose, and (3) if the port is a foreign port to the British consular officer at the port, or in default shall incur a penalty not exceeding twenty pounds.

For the purposes of this section the term "deck cargo" means any cargo placed upon the upper uncovered surface of any portion of the ship, or in any space above the tonnage deck which has not been included in the cubical contents forming the registered tonnage of the ship.

The copies of these entries shall be made in forms to be provided for that purpose by the Board of Trade.

Rule as to
measurement
of spaces on
deck.
See
17 & 18 Vict.
c. 104. s. 21,
par. 4.

37. Whereas by the Merchant Shipping Act, 1854, provision is made for the measurement of any break poop or other permanent closed-in space on the upper deck of a ship available for cargo or stores, or for the berthing or accommodation of passengers or crew, and for including the same in the tonnage of the ship; and whereas in consequence of novelties in the construction of ships doubts have arisen as to the meaning of this provision; and whereas the exemption of such spaces from tonnage dues is unjust to other ships, and is calculated to lead to the construction of weak and unseaworthy ships, and to the improper loading of cargo upon deck: Be it therefore enacted that when an owner of a ship claims to have any space excluded from the measurement of the ship's tonnage on the ground that it is not a permanent closed-in space available for cargo or stores, or for the berthing or accommodation of passengers or crew, the Board of Trade may, if they think fit, require him to make a declaration in writing that the space is not so available and is not intended to be so used, and unless such declaration is made the space shall be included in the measurement of the ship's tonnage.

If such declaration is made, and the space is excluded from measurement, it shall be unlawful to use the same for cargo or stores, or for the berthing or accommodation of passengers or crew; and if at any time it is so used it shall thereupon be measured and
 5 added to the tonnage of the ship, and if on any voyage it is used for cargo or stores the owner of the ship shall be liable to a penalty not exceeding five hundred pounds.

Provided that nothing in this section shall exclude from the measurement of a ship's tonnage any space which but for this
 10 section would be included in that measurement.

38. Every entry made in an official log-book as by the Merchant Shipping Acts, 1854 to 1875, required, shall be admissible in evidence of the matters to which it relates.

Entries in official logs to be evidence.

39. It shall be the duty of the owner of every British sea-going
 15 ship to see that she is properly equipped with boats, and with rafts or other appliances for saving life.

17 & 18 Vict. c. 104. s. 285.

Equipments for sea-going ships. 17 & 18 Vict. c. 104.

A ship shall be deemed to be properly so equipped,—

(1.) If her boats, rafts, and other appliances are in good order and furnished with all requisites for lowering and for use,
 20 and are so carried as to be ready for use in case of emergency;

ss. 292, 293. 36 & 37 Vict. c. 85. s. 15. 18 & 19 Vict. c. 119. s. 27.

(2.) (a.) If her boats and rafts are sufficient to carry all the persons on board the ship; or

(b.) in the case of ships surveyed by the Board of Trade as “passenger steamers” or “passenger ships,” if
 25 her boats and other appliances are in accordance with the regulations contained in the first schedule to this Act, or such modifications thereof as may from time to time be sanctioned by the Board of Trade; or

(c.) In the case of ships engaged by the Admiralty for the conveyance of troops or seamen, and not carrying other steerage or third class passengers, if her boats and other appliances are in accordance with such regulations as may from time to time be made by
 30 the Admiralty; and

(3.) If she is furnished with at least two life buoys, or, in the case of a ship surveyed by the Board of Trade, with life buoys and life jackets of such number and description as the Board of Trade may from time to time by
 35 general instructions direct.

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A.D. 1875. If any British sea-going ship proceeds to sea without being properly equipped with boats and with rafts or other appliances for saving life, then—

- (1.) If the owner appears to be in fault he shall incur a penalty not exceeding one thousand pounds; and 5
- (2.) If the master or any other agent of the owner appears to be in fault, he shall incur a penalty not exceeding one hundred pounds.

Adjustment
of ships
compasses.
See
17 & 18 Vict.
c. 104. s. 301.

40. An iron or composite ship shall not be deemed to have her compasses properly adjusted unless they have been adjusted by a 10 person holding a valid certificate, granted as herein-after mentioned :

- (1.) For the purpose of granting such certificates the Board of Trade shall cause examinations to be held from time to time in the laws of the deviation of the compasses in a 15 ship, and in the manner of compensating for or correcting such deviation :
- (2.) The Board of Trade may appoint times and places for these examinations, and may appoint, remove, and reappoint examiners to conduct the same, and may from time to time make, alter, and revoke rules as to the conduct of the examinations and the qualifications of the applicants :
- (3.) Every applicant for examination shall pay to such persons as the Board of Trade appoint for the purpose such fees as the Board direct : 25
- (4.) All such fees shall be carried to the Mercantile Marine Fund, and all expenses attending the examinations shall be paid out of the Mercantile Marine Fund :
- (5.) The Board of Trade shall deliver to every applicant who is duly reported to have passed the examination satisfactorily, 30 and to have given satisfactory evidence of character, a certificate to that effect :
- (6.) The Board of Trade may cancel any certificate so granted on proof of the incompetency or misconduct of the holder thereof. 35

Appoint-
ment of
surveyors in
British pos-
sessions.
31 & 32 Vict.
c. 129. s. 3.

41. The governor of any British possession may from time to time appoint fit and proper persons to be surveyors of British ships for the purposes of the Merchant Shipping Acts, 1854 to 1875, and the persons so appointed shall and may exercise within that pos- session all the powers of surveyors appointed by the Board of Trade 40 under the Merchant Shipping Act, 1854.

42. Section eleven of the Merchant Shipping Act, 1871, which makes the sending of an unseaworthy ship to sea a misdemeanor, shall be construed as if the words "or take" were added after the words "to send," and as if the words "or takes" were added after the words "sends," and shall be deemed to extend to and include the master of the ship.

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Explanation
of s. 11. of
Merchant
Shipping
Act, 1871.34 & 35 Vict.
c. 110. s. 11.

Mercantile Marine Fund (Part VII. of Merchant Shipping Act, 1854).

43. It shall be lawful for the Board of Trade to make out of the Mercantile Marine Fund grants to managers of training ships in respect of boys trained in those ships, who are in point of physical capacity, age, character, and acquirements qualified to serve in the merchant service and in the Royal Naval Reserve.

Grants to
training
ships.

The grants shall be made upon such conditions as Her Majesty may from time to time by Order in Council determine.

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854).

44. In case of any of the events following (in this Act referred to as shipping casualties); that is to say,

Preliminary
inquiries into
shipping
casualties.

(1.) Where within the limits of the United Kingdom any British or foreign ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign ship or boat, or the life of any person belonging to such ship or boat has been lost;

17 & 18 Vict.
c. 104.
ss. 432, 448.

(2.) Where without the limits of the United Kingdom any British ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign ship or boat, or the life of any person belonging to such ship or boat has been lost, and any witness is found within the United Kingdom,

the receiver for the district where the shipping casualty happens, or where any such witness is found, as the case may be, or some person other than the receiver appointed for the purpose by the Board of Trade shall, subject to instructions from the Board of Trade, and in the manner provided by this Act, make a preliminary inquiry respecting the shipping casualty, and the causes thereof, and the circumstances attending the same.

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Manner of
conducting
preliminary
inquiries.17 & 18 Vict.
c. 104.
ss. 432, 448,
449.

45. For the purposes of any such preliminary inquiry the receiver or other person appointed to make the inquiry shall have the same powers, and any person failing to comply with his directions shall be liable to the same penalties as if the receiver or other person so appointed were an inspector appointed under the Merchant Shipping Act, 1854. 5

The receiver shall examine each witness on oath, and shall take down in writing and sign the examinations, including therein any extracts which he thinks fit to make from the ship's logs or other papers, and may require the witnesses to sign their examinations respectively. 10

He shall make three copies of the examinations and extracts, and shall send one of the copies to the Board of Trade, one to the owners, and the other to the secretary of Lloyds in London; and the last-mentioned copy shall be placed by the said secretary in some conspicuous situation for the inspection of persons desirous of examining the same. 15

Any examinations (with the extracts from logs or papers included therein) taken in pursuance of this section, purporting to be signed by the person taking the same, and also any copy thereof purporting to be certified by the Board of Trade as a true copy under their seal or under the hand of one of their secretaries or assistant secretaries, shall in all courts and before any person having by law or consent authority to take evidence, be admissible as evidence of any matter contained therein relative to the casualty, and the causes thereof, and the circumstances attending the same. 20 25

"Any witness of a shipping casualty found at a place other than the place where a preliminary inquiry respecting the casualty is or may be held may be examined by a receiver or other person appointed by the Board of Trade at the place where the witness is found. 30

Statements
to be made
by the
master of a
British ship
to which a
shipping
casualty has
happened.

46. Whenever a shipping casualty happens in the case of a British ship or boat, the master, or, if the master is dead, the chief surviving officer shall, upon first landing in the United Kingdom after the happening of such casualty, and as soon as possible after such landing, attend and submit himself for examination before the receiver for the district where the place of his landing is situate, or other the person appointed to hold inquiries into shipping casualties in the district, unless he has been previously examined or excused from attending for examination by a receiver. 35 40

If any master or officer makes default in obeying the provisions of this section he shall incur a penalty not exceeding fifty pounds.

47. Where it appears to the Board of Trade, either upon or without a preliminary inquiry by a receiver or other person, that a formal investigation of a shipping casualty, and of the causes thereof, and of the circumstances attending the same, is expedient, the Board of Trade may by order direct such investigation to be held, and determine the place for the holding thereof; and with respect to such investigation the following provisions shall have effect:—

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Formal investigation of shipping casualties.

17 & 18 Vict. c. 104. s. 433.

See 34 & 35 Vict. c. 78. s. 7.

- (1.) The investigation shall be held by one of the following magistrates, that is to say, in England a stipendiary or metropolitan police magistrate, in Scotland a sheriff, and in Ireland a divisional justice or resident magistrate :
- (2.) The magistrate shall hold the investigation with the assistance of an assessor or assessors of skill and experience in seamanship, or in the building, loading, or management of ships and their machinery and equipments, as the case may require, to be appointed in England by the judge of the High Court of Admiralty, in Scotland by the Lord President of the Court of Session, or, him failing, the Lord Justice Clerk, and in Ireland by the judge of the Court of Admiralty of Ireland; and for the purpose of enabling this appointment to be made, the Board of Trade shall give notice that the investigation is to be held to the registrar of the court by whom the appointment is to be made :
- (3.) The magistrate shall hold the investigation in open court in such manner and under such conditions as he may think most effectual for ascertaining the causes and circumstances of the casualty and enabling him to make the report in this section mentioned :
- (4.) The Board of Trade may appoint a person to conduct the case on their behalf :
- (5.) The magistrate shall have for the purpose of the investigation all the powers which he would have under the Summary Jurisdiction Acts if the investigation were a matter in which he had authority by law to make an order, and in addition the following powers; namely,
 - (a.) He may, with or without the assessor or assessors, if any, go on board any ship or boat, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or other articles on board thereof :
 - (b.) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for the said purpose,

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and may for that purpose require answers or returns to such inquiries as he thinks fit to make :

(c.) He may require and enforce the production of all books, papers, and documents which he considers important for the said purpose : 5

(d.) He may require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(6.) Every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpoena 10 before a court of record, and in case of dispute as to the amount to be allowed the same shall be referred by the magistrate to a master of one of the superior courts, or the registrar of a county court, who, on request under the hand of the magistrate, shall ascertain and certify the 15 proper amount of those expenses :

(7.) If any person without reasonable excuse (proof whereof shall lie on him) :

(a.) Having been summoned and having had the expenses (if any) to which he is entitled tendered 20 to him, fails to attend as a witness before the magistrate, or fails, when required by the magistrate, in pursuance of this section so to do, to make any answer or give any return, or to produce any document, or make or sign any declaration : or, 25

(b.) Impedes the magistrate in the execution of his duty :

he shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a refusal to make any return or produce any document, not exceeding ten 30 pounds during every day that such failure continues :

(8.) The magistrate shall make a report stating the causes of the casualty and all the circumstances attending the same, and whether the same was due wholly or partly to the act or default of any person or persons, or to cir- 35 cumstances beyond the control of any person.

He may state in the report such extracts from and observations on the evidence as he thinks fit, and shall state any matters arising out of the investigation of which he thinks the Board of Trade should be informed. 40

The report shall be read in open court, and shall with the evidence forthwith be sent to the Board of Trade, and the Board may, if they see fit, publish the same :

(9.) The magistrate may make such order as he thinks fit respecting the costs and expenses of the investigation; and that order shall, on the application of any person entitled to the benefit of the same, be enforced by the magistrate as if it had been made in some matter within his ordinary jurisdiction : A.D. 1875.

(10.) One of Her Majesty's Principal Secretaries of State may, with the approval of the Commissioners of Her Majesty's Treasury, award such remuneration as he thinks reasonable to any magistrate acting under this section, and to any assessor appointed under this section, in respect of his services hereunder, *and that remuneration shall be paid out of moneys to be provided by Parliament :*

(11.) The Board of Trade may from time to time, with the approval of the Lord Chancellor, and so far as relates to fees with the approval of the Commissioners of Her Majesty's Treasury, make general orders with respect to the service of notice on persons interested in any such investigation, the conditions on which persons may appear thereat, the persons who may be made liable for the costs thereof, the fees to be paid in respect thereof, and generally as to the mode of conducting the investigations; and these orders shall have effect as if they were enacted in this Act :

(12.) If, in the opinion of the Board of Trade, an investigation under this section cannot be conveniently held by any of the magistrates mentioned in this section, the Board may, by order, direct the investigation to be held by a judge of a local Court of Admiralty to be named in the order, and thereupon all the provisions of this section shall apply to the judge so named, and to the investigation to be held by him, in the same manner as if he were one of the magistrates herein-before mentioned.

48. Where any coroner in England holds, or is about to hold, an inquest on the death of any person occasioned by an accident happening on board of, or in connexion with, any ship or boat, and makes a written request to the Board of Trade in this behalf, the Board of Trade may, if they think fit, appoint some competent person, possessing special skill and experience in seamanship, or in the building, loading, or management of ships and their machinery and equipments, as the case may require, to assist in holding the inquest, and the appointee shall act as the assessor of the coroner,

Power to appoint a skilled assessor to coroner.
See
34 & 35 Vict.
c. 78. s. 8.

A.D. 1875. and shall make the like report to the Board of Trade; and the report shall, if the Board think fit, be made public in like manner as in the case of a formal investigation of a shipping casualty under this Act.

Investigations of shipping casualties in British possessions

49. The legislature of any British possession may, by an Act or Ordinance, make provision for holding inquiries and investigations respecting shipping casualties happening either within or beyond the territorial limits of that possession, and for the attendance and examination of witnesses at such inquiries and investigations; provided that every such Act or Ordinance shall be void so far as it is enacted under this section unless it be reserved for the signification of Her Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Power, by consent, to apply to foreign countries provisions of the Merchant Shipping Acts, 1854 to 1875, as to shipping casualties.

50. Whenever it has been made to appear to Her Majesty that the government of any foreign state is desirous that all or any of the provisions of the Merchant Shipping Acts, 1854 to 1875, relating to inquiries into and investigations of shipping casualties happening within the limits of the United Kingdom shall extend to cases where any such casualty happens to a ship or boat of that state in any place without the limits of the United Kingdom, Her Majesty may, by Order in Council, declare that such of the said provisions as are specified in the order shall, subject to the limitations, if any, contained in the order, extend to such cases accordingly, and thereupon, so long as the order remains in force, the provisions so specified shall, subject to the said limitations, extend to such cases in the same manner as if the casualty had happened within the limits of the United Kingdom.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854.)

Liability of shipowner to passengers and owners of goods.

51. In every bill of lading and every contract, express or implied, for the carriage of passengers or goods on board any ship whether British or foreign, and whether the bill of lading or contract is delivered, made, or arises in Her Majesty's dominions or elsewhere, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the passengers on board, and to the shippers or owners of cargo on board, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship

for the voyage at the commencement thereof, and to keep her in A.D. 1875.
a seaworthy condition during the voyage.

Provided that nothing in this section shall lessen any obligation or derogate from any warranty which would otherwise exist on the
5 part of the owner of the ship.

52. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part
10 of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy
15 condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same
20 ship, in any case where he would not otherwise be so liable.

Application to Scotland, &c.

53. In the application of this Act to Scotland—

Application
to Scotland.

- (1.) The term “sheriff” shall include “sheriff substitute”;
- 25 (2.) The term “registrar of the court” shall mean “the senior principal clerk attached to the first division of the Court of Session”;
- (3.) The term “attending on subpoena before a court of record” shall mean “attending on citation the court of justiciary”; and
- 30 (4.) The Queen’s and Lord Treasurer’s Remembrancers shall perform the duties of a master of one of the superior courts.

54. In the Isle of Man proceedings may be taken under this Act against a certificated officer either by complaint to a high bailiff or
35 by application in a summary way to the Court of Admiralty of the isle, and in any such case an assessor or assessors, if required, shall be appointed by the judge of that Court of Admiralty.

Application
to Isle of
Man.

In the application of this Act to the Isle of Man the term “Summary Jurisdiction Acts” shall mean the law for the time being in

A.D. 1875. force in that isle for regulating the exercise of summary jurisdiction
— by justices of the peace.

Repeal.

Repeal and
saving.

55. On and after the passing of this Act, the Acts mentioned in the second schedule to this Act shall be repealed to the extent 5 mentioned in the third column of that schedule; but this repeal shall not affect—

- (1.) Anything duly done before this Act comes into operation;
- (2.) Any right acquired or liability accrued before this Act comes into operation; 10
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation; or
- (4.) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, 15 penalty, forfeiture, or punishment as aforesaid.

SCHEDULES.

FIRST SCHEDULE.

REGULATIONS as to Boats and other Equipments to be carried by Passenger Ships and Passenger Steam Ships.

1. Every Ship to which these Regulations apply shall carry Boats according to the following Scale.

A ship of 3,000 net register tons and upwards shall carry 10 or more boats having an aggregate capacity of not less than 6,000 cubic feet.			
2,900 and upwards but less than 3,000 net register tons shall carry	10 or more boats		
" 2,900	10	"	5,800 "
" 2,800	"	"	" 5,600 "
" 2,700	10	"	" 5,400 "
" 2,600	10	"	" 5,200 "
" 2,500	10	"	" 5,000 "
" 2,400	10	"	" 4,800 "
" 2,300	10	"	" 4,600 "
" 2,200	8	"	" 4,400 "
" 2,100	8	"	" 4,200 "
" 2,000	8	"	" 4,000 "
" 1,900	8	"	" 3,800 "
" 1,800	8	"	" 3,600 "
" 1,700	7	"	" 3,400 "
" 1,600	7	"	" 3,200 "
" 1,500	7	"	" 3,000 "
" 1,400	6	"	" 2,900 "
" 1,300	6	"	" 2,800 "
" 1,200	6	"	" 2,700 "
" 1,100	6	"	" 2,600 "
" 1,000	5	"	" 2,500 "
" 900	5	"	" 2,250 "
" 800	5	"	" 2,000 "
" 700	4	"	" 1,750 "
" 600	4	"	" 1,500 "
" 500	4	"	" 1,250 "
" 400	4	"	" 1,000 "
" 300	3	"	" 900 "
" 200	3	"	" 800 "
" 150	2	"	" 600 "
" less than	2	"	" 450 "
In the case of ships of more than 100 net register tons, each of these boats shall have a capacity of not less than 150 cubic feet.			

A.D. 1875.

2. For the purpose of these regulations a boat shall be deemed to contain such number of cubic feet as will be arrived at by multiplying her length over all by her extreme breadth, and by her inside depth amidships.
 3. Provided that no ship shall be required by these regulations to carry boats having an aggregate capacity of more than seventeen cubic feet (as ascertained by these regulations) for each "statute adult" on board the ship. 5
 4. Not less than half the number of the boats required by these regulations to be carried must be fitted as a life boat, and each of the boats so fitted must have for every seventeen cubic feet (ascertained as aforesaid) of her entire contents, one and a half true cubic feet of air space enclosed in compartments, fitted and arranged in such manner and constructed of such material as the Board of Trade may from time to time by general instructions direct. 10 15
 6. The Board of Trade may, if they think fit, allow rafts or other appliances to be substituted for any of the boats required by these regulations to be carried.
-

SECOND SCHEDULE.

A.D. 1875.

Session and Chapter.	Title.	Extent of Repeal.
5 11 W. 3. c. 7. -	An Act for the more effectual suppression of piracy.	Section seventeen.
10 17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Sections one hundred and seventy-five, one hundred and eighty-seven, two hundred and thirty-nine, and two hundred and forty-one, sub-sections (1) and (2) of section two hundred and forty-two, sections two hundred and forty-three, two hundred and forty-six, two hundred and eighty-five, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-four, four hundred and thirty-two to four hundred and thirty-eight both inclusive, four hundred and forty-eight, and four hundred and forty-nine.
20 18 & 19 Vict. c. 119.	The Passengers Act, 1855.	So much of section twenty-seven as relates to boats and life buoys.
25 25 & 26 Vict. c. 63.	The Merchant Shipping Act Amendment Act, 1862.	Section eleven, and section twenty-three except sub-section (1).
31 & 32 Vict. c. 129.	The Colonial Shipping Act, 1868.	Section three.
34 & 35 Vict. c. 110.	The Merchant Shipping Act, 1871.	Sections five and seven.
30 36 & 37 Vict. c. 85.	The Merchant Shipping Act, 1873.	Sections three, six, nine, and fifteen, and section four from "The record" to "lowest part of the side" both inclusive.

Merchant Shipping Acts Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Merchant Shipping Acts.

(Prepared and brought in by
Sir Charles Adderley, Mr. Cavendish Bentinck,
and Mr. William Henry Smith.)

Ordered, by The House of Commons, to be Printed,
12 April 1875.

[Bill 116.]

Under 5 oz.

Merchant Shipping Acts Amendment (No. 2.) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation clause.

Surveys.

3. No British ship to proceed on voyage until classified.

Load-Line.

4. Every British ship to be marked with scale of displacement and load-line.
5. Commissioners to ascertain load-line.
6. Expenses of ascertaining displacements and load-line.
7. No British ship to leave port unless load-line mark visible.
8. Consular officers in foreign ports to ascertain draught of water of British ships on leaving port, and forward record to Board of Trade.
9. Marks to be permanently continued under penalties.

Deck Cargoes.

10. No deck cargoes to be carried except by license of Board of Trade.

Time Policies.

11. Time policies affected by unseaworthiness.

Quality of Iron.

12. Iron for construction of ships to bear certain tests.

Commissioners.

13. } Commissioners and their officers, and salaries.
14. }

My dear Mr. [Name]

I have just received your letter of the 10th inst. and am glad to hear that you are well. I am also well and hope this finds you the same. I have been thinking of you very much lately and wondering how you are getting on. I hope you are enjoying your work and that everything is going well with you.

Yours truly,

[Signature]

Very truly yours,

[Signature]

A
B I L L

TO

Amend the Acts relating to Merchant Shipping.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as The Merchant Shipping Survey Act, Short title.
1875.

2. In this Act—

“The Board of Trade” means the Lords of the Committee of Privy Council, appointed for the consideration of Interpreta-
tion clause.

10 matters relating to trade and foreign plantations ;

“British port” means any seaport in the United Kingdom, or in any colony, plantation, island, territory, or settlement within Her Majesty's dominions ;

15 “The Commissioners” means the Commissioners for the time being acting in the execution of this Act ;

“Master” includes any person (except a pilot) for the time being in command or charge of any British ship ;

“The Treasury” means the Commissioners for the time being of Her Majesty's Treasury ;

20 “British ship” means a British ship as defined by the Merchant Shipping Act, 1854, and not being a yacht or a barge plying in fresh water.

3. Except as herein-after mentioned, no British ship shall proceed on any voyage from a British port unless the committee of No ship to
sail without
certificate of
classification.
25 management of Lloyd's Register of British and Foreign Shipping, or the Liverpool Underwriters Registry for Iron Vessels, or some other corporation or association approved for the time being for this purpose by the Board of Trade, has first classed and given a certificate of the classification of such ship to the owner or owners
30 thereof ; provided that the Board of Trade, if at any time the survey or requirements of the said committee or registry, or of any such corporation or association, appear to them to be insufficient, may,

[Bill 31.]

A 2

A.D. 1875. after giving six months notice to the owner or owners of such ship, declare the surveys or requirements of such committee, registry, corporation, or association to be insufficient, and thereupon the same and every certificate of classification founded thereon shall cease to have any effect for the purposes of this Act. 5

Ship without certificate may be detained.

(1.) A certificate of such classification in force for the time being shall be produced by the owner or master of every British ship before proceeding on a voyage as aforesaid; and any officer of Her Majesty's Customs may detain any British ship until such certificate is produced: 10

Certificate not to be proof of seaworthiness.

(2.) No such certificate of classification shall for any purpose be construed as amounting to or dispensing with proof of the seaworthiness of the ship in respect of which the same was given: 15

Exemption of ships built on new principle.

(3.) The Board of Trade, if they think fit, may from time to time specially except from the operation of section three, ships constructed upon any new or previously untried principle, and may declare after what number of years any such ship shall not be deemed to be within the meaning of the said section: 20

Saving.

(4.) Nothing in this Act shall affect any power of the Board of Trade to survey or detain any ship under the provisions of any other Act.

Load-line of ship to be marked thereon.

4. And whereas it is expedient that the scale of displacement and the maximum load-line of every British ship should be marked thereon. Every British ship registered on or after the *first day of January one thousand eight hundred and seventy-six* shall, before such registry, and every British ship registered before that day shall, on or before that day, be permanently and conspicuously marked to the satisfaction of the Commissioners, as follows; viz.: 25 30

(1.) When each of her sides amidships shall be painted in white or yellow on a dark ground, or in black on a white ground, a vertical scale the zero point of which shall be at the deck up to which full scantlings are carried, and shall be marked at a point level with the top of the deck-plank next the water-way at the place of marking, and the said scale shall be carried downwards to a distance equal to one third of the ship's depth below the said zero point: 35

(2.) Each of the units of the said scale shall mark off one per cent. of the ship's total displacement, as ascertained in the manner herein-after provided, and reckoning from the zero point towards the keel, and every fifth unit on the 40

said scale shall be distinguished by its proper number, A.D. 1875.
 painted as aforesaid in clear figures :

(3.) Upon the said scale there shall also be painted in white or
 yellow on a dark ground, or in black on a light ground,
 a disc, the diameter of which shall be equal to
 hundredths of the ship's total displacement :

(4.) When the full load-line of a British ship has been ascer-
 tained and certified as herein-after mentioned, the said
 disc shall be so placed that the centre thereof shall be
 upon the full load-line, and every such disc not so placed
 shall be obliterated.

5. The Commissioners, or any two or more of them, and their
 surveyors shall, as soon as conveniently can be, ascertain in such
 manner as they may think fit, and certify to the owner or owners of
 every British ship, or his or their agents, or the master of the ship,
 the full depth to which, in judgment of the Commissioners, such
 ship may be safely loaded under favourable circumstances ; and
 the line to which such ship when so loaded will be immersed in
 smooth sea water shall be deemed to be her full load-line for the
 purposes of this Act :

Commission-
 ers to certify
 as to load-
 line.

Provided always, that the Commissioners, or any two of them,
 may, from time to time, make and issue regulations requiring such
 additional freeboard as they shall determine to be proper for any
 British ship in cases in which the circumstances, or any of them,
 are not, in their judgment, favourable ; and may thereupon require
 that the whole or any defined portion of the said disc shall, when
 the ship is loaded under the circumstances aforesaid, be above the
 surface of the water.

(1.) If the owner or owners of any British ship shall be of opinion
 that such ship, by reason of the possession of a spar deck
 or an awning deck, or of a poop or a forecastle, or of any
 one or more of them, or by reason of any other peculiarity
 or alteration of build or construction, may with safety be
 more deeply loaded than has been theretofore determined
 by the Commissioners, such owner or owners may require
 a special survey of such ship to be made by sending written
 notice of such desire to the secretary or leaving the same
 at the office of the Commissioners, who shall thereupon,
 by themselves or their manager or surveyors, cause a
 further survey of such ship to be made at the expense
 of the owner or owners, and the proper load-line of such
 ship shall thereupon be determined at the next meeting

Owners may
 demand
 special
 survey of
 their ships.

A.D. 1875.

Load-line to
be entered in
register of
ship.

Expenses of
ascertaining
load-lines.

No ship to
leave port
without load-
line mark
being visible.

Consuls at
foreign ports
to record
draught of
water of
ships leaving
port.

Penalties for
not keeping
accurate
marks on
ships.

of the Commissioners after the said further survey, at which at least five of them shall be present :

(2.) When the load-line of any British ship has been ascertained and certified as aforesaid, the same shall be entered in the register of the ship and in every copy or certificate thereof. 5

6. For the purpose of defraying the expenses of ascertaining the displacements and load-lines of British ships the Commissioners shall levy upon every British shipowner, for each ship so dealt with, a charge not exceeding the sum of *twopence* per ton on the gross registered tonnage of such ship. 10

7. No British ship shall be allowed to leave any British port unless some portion of the said disc or other load-line mark shall be visible while the ship lies in smooth sea water. Every master of a ship who offends against this provision shall for every such offence forfeit the sum of *one hundred pounds*, and every policy of insurance then existing upon the ship shall become absolutely void, and the liability of the seamen under articles for the intended voyage shall be at an end. 15

8. It shall be the duty of the British Consul-General, Consul, Vice-Consul, or other person for the time being discharging the duties of such Consul-General, Consul, or Vice-Consul, in every foreign port, to ascertain the draught of water of every seagoing British ship at the time of her leaving such port, and to record the same in the manner and form in which official records of the draught of water of British ships are made in British ports, and to forward such record to the Board of Trade within *one month* after the same shall have been made, or as soon thereafter as conveniently can be. 20 25

9. The marks required by this Act to be placed upon British ships shall be permanently continued, and no alteration shall be made therein, except by the authority of the Commissioners. 30

Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who intentionally conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except by the authority aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding *one hundred pounds*, and any principal officer of customs may detain a ship which is insufficiently or inaccurately marked within the meaning of this Act until the insufficiency or inaccuracy has been remedied. 35 40

If the scale or disc mark required by this Act to be placed on British ships is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding *one hundred pounds*. A.D. 1875.

5 **10.** No deck cargo shall be carried on board any British ship, Deck cargo.
except acids and other chemical substances which are unsafe to be
carried below, and except such cattle and other live stock and other
matters and things, and in such quantities as the Board of Trade
shall, by special license or under general regulations to be issued by
10 them from time to time, permit.

A ship carrying deck cargo contrary to the provisions of this section shall not be deemed to be seaworthy.

11. A time policy shall be affected in the same manner as a Time policy.
voyage policy by unseaworthiness of any kind mentioned in this
15 Act.

12. Where, after the *first day of January one thousand eight* Iron for
hundred and seventy-six, any iron is supplied to be used in the construction
construction of any ship, or any ship is, after the said day, con- of ships to
structed of iron, in whole or in part, the person to whom such iron be tested.
20 is supplied, or for whom such ship is constructed, or any agent or
assignee of such person may, at his own expense, test any iron so
supplied or used in the construction of such ship, and shall not be
bound to accept such iron or ship (any contract notwithstanding)
unless the iron so supplied or used in the construction of the ship
25 be at the least of such quantity and strength as to withstand a
tensile strain, of tons to the square inch, and a bending
strain when cold of degrees, or to withstand, instead of such
bending strain, an extension of per cent.

13. The Commissioners for the purposes of this Act shall consist Appoint-
30 of three persons to be nominated by the Committee of Management ment of Com-
of Lloyd's Register of British and Foreign Shipping at a special missioners.
meeting called for that purpose, two persons to be nominated by
the Committee of Management of the Liverpool Underwriters
Registry for Iron Vessels also nominated at a special meeting,
35 and three to be nominated by the Board of Trade, and they and
the surveyors appointed by them respectively shall have all the
powers necessary for executing the purposes of this Act. Every
vacancy which occurs among the Commissioners from time to
time appointed by the Board of Trade shall be filled up by the
40 Board of Trade, and every vacancy which occurs among the Com-
missioners hereby appointed, or among their respective successors,

A.D. 1875. shall be filled up by the survivors or others of such other Commissioners or their successors for the time being.

Appoint-
ment of
secretary and
surveyors.

14. The Commissioners may from time to time appoint and remove a secretary and such surveyors, and shall be provided with such offices in London or Westminster as shall be necessary for the purposes of this Act; and there shall be paid by the Treasury, out of funds to be from time to time provided by Parliament, such remuneration to the Commissioners, their secretary and surveyors, and such expenses in respect of their offices, and for the general expenses of the Commissioners, as the Treasury shall from time to time direct.

Merchant Shipping Acts Amendment (No. 2.)

A

B I L L

To amend the Acts relating to Merchant
Shipping.

(Prepared and brought in by
Mr. Pimso, Mr. Roebuck, Mr. Samuel, and
Mr. Kirman Hodgson.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 31.]

Under 1 oz.

Merchant Shipping (Load-line) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
3. Construction of Act.
2. Scales of feet and load-line.
4. Statement of position of load-line to be entered on certificate of registry, &c.
5. Owner or master may alter position of load-line.
6. Penalty for offences in relation to marks on ships.
7. Record draught of water and extent of clear side.
8. Ships not to leave port unless load marks are visible.
9. Crew shall not be subject to penalties if load marks be not visible.
10. Owner may call on Board of Trade to survey ship.
11. Board of Trade to issue certificate.
12. Suspension or cancellation of certificate.
13. Delivery up of certificate.

SCHEDULE.

Merchant Shipping (Load-line) Bill.

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13. Delivery up of certificate.

SCHEDULE.

A
B I L L

TO

Provide for the marking of a Load-line on British Ships, and A.D. 1875.
for other purposes relating to the Survey of Ships.

WHEREAS it is expedient for the protection of seamen and others that the maximum load-line of every British ship be marked thereon amidships :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Merchant Shipping (Load-line) Short title.
Act, 1875.

10 2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same. Construction of Act.

3. Every British ship registered on or after the *first day of January one thousand eight hundred and seventy-six* shall before registry, and every British ship already registered or which shall be
15 registered before that day, shall on or before that day be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows :

(1.) A scale of feet for the purpose of denoting her draught of water shall be marked on each side of her stem and of her
20 sternpost ;

(2.) A scale of feet for the purpose of denoting the extent of her clear side or freeboard amidships shall be marked on each of her sides. The zero point of this scale shall be at the uppermost of her continuous decks to which her sides are watertight, and shall be marked at a point level with
25 the top of the deck plank next the water way at the place of marking, and the scale shall be carried downwards to a distance equal to one third of the ship's depth below the said zero point ;

[Bill 106.]

A

A.D. 1875.

- (3.) The scales of feet amidships shall be marked on one side of a vertical line, to be marked at a distance abaft the stem equal to one half of the ship's length between perpendiculars, and on the other side of the vertical line shall be marked a circular mark or disc, six inches in diameter. The centres of each of these circular marks or discs shall indicate the maximum load-line in salt water, down to which the owner, having regard to the construction and employment of the ship, claims to be entitled with safety to load her. 10
- (4.) All the above scales of feet shall be marked in Roman capital letters, or in figures six inches in length, the lower line of the letters or figures to coincide with the draught line or water line denoted thereby.
- (5.) All the marks required by this section shall be painted white or yellow on a dark ground, or black on a light ground, and shall be permanently continued, and no alteration shall be made therein, except as is herein-after mentioned. 15

Provided that:

- (a.) The Board of Trade may exempt any class of ships from the requirements of this section or any of them. 20
- (b.) Ships of less than one hundred tons gross tonnage need not be marked with the midship scale and load-line.
- (c.) If any registered British ship is not within a British port of registry at any time before *the first day of January one thousand eight hundred and seventy-six* she shall be marked as by this section required, within one month after her next return to a British port of registry subsequent to that date. 25 30

Statement
of position
of load-line to
be entered on
certificate of
registry, &c.

4. A statement of the clear side or freeboard, as shown by the position of the load-line made on each of her sides shall be entered in the place and manner prescribed by the Board of Trade on the certificate of registry and in the articles of agreement (if any) with the crew, and in the official log, if any. 35

Owner or
master may
alter position
of load-line.

5. On the completion of a voyage, and the expiry of the articles of agreement with the crew, by the arrival of a ship at any British port of registry, the owner or his agent may alter the position of the said load-line marks provided he shall, not less than twenty-four hours before the ship takes in cargo, produce the certificate of 40 registry to the registrar, who shall thereupon either give a fresh

certificate of registry, or endorse the alteration on the existing certificate of registry as the case may be. A.D. 1875.

6. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked; and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding *one hundred pounds*; and any principal officer of customs may detain a ship which is insufficiently or inaccurately marked until the insufficiency or inaccuracy has been remedied.

Penalty for offences in relation to marks on ships.

If any of the scales of feet required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding *one hundred pounds*.

7. Every master of a British sea-going ship who is required to keep an official log book shall, when the ship is completely loaded for the purpose of proceeding to sea from any dock, wharf, port, or harbour, enter in the official log book, in the place and manner provided for that purpose, the ship's draught of water and the extent of her clear side, in feet and fractions of feet, as denoted by the scales of feet on her stem, stern post, and sides, and shall produce these entries to any officer of the Board of Trade, principal officer of customs, or British consular officer whenever required by him so to do.

Record draught of water and extent of clear side.

The Board of Trade may in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade may direct, the ship's draught of water and the extent of her clear side, as denoted by the scales of feet on her stem, stern post, and sides, upon her leaving or being about to leave any dock, wharf, port, or harbour in the United Kingdom, the Channel Islands, or Isle of Man, for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same or a copy thereof to the Board of Trade.

Any entry or record made in accordance with the requirements of this section, and any copy of such record, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the ship's draught of water or of the extent of the ship's clear side (as the case may be) at the time specified in the entry or record: Provided that such entry or record shall not be admissible

A.D. 1875. in evidence if the person who made the same is alive and able to attend the inquiry at which his attendance is required by any person legally interested in the inquiry, unless the court in their discretion shall determine that such entry or record may, under the circumstances of the case, be properly admitted in evidence without the attendance of such person. 5

Any master who fails to comply with the requirements of this section shall incur a penalty not exceeding *twenty* pounds.

This section shall not come into operation until the *first day of January one thousand eight hundred and seventy-six*. 10

Ship not to leave port unless load marks are visible.

8. No British ship of one hundred gross tons or upwards shall be allowed to leave any British port unless some portion of the said discs or load-line marks shall be visible while the ship lies in smooth sea water, and every master of a ship who offends against the provision shall for every such offence incur a penalty not exceeding the sum of *one hundred pounds*. 15

Crew shall not be liable to penalties if load marks be not visible.

9. No seaman or apprentice neglecting or refusing to sail or serve on board any ship shall be subject to arrest or to any of the summary proceedings applicable under the provisions of the Merchant Shipping Act, 1854, to cases of desertion and refusal to proceed to sea, or to any penalty or forfeiture, if the load-line of the ship has not been marked in accordance with the provisions of this Act, or if so marked the ship is immersed so that no portion of the said discs or load-line marks are visible while she lies in smooth sea water. 20 25

Owner may call on Board of Trade to survey ship.

10. And whereas it is expedient to facilitate the survey by the Board of Trade of ships not carrying passengers or emigrants :

Be it enacted by the authority aforesaid that on the application in writing of the owner or master of such a British ship to the principal surveyor appointed by the Board of Trade for the district in which such ship is to survey the same as to her fitness to proceed to sea with reasonable safety to life of the crew and on payment by or on behalf of such owner of such fees not exceeding one-half of the fees that might be charged for the survey of a passenger ship of the like description and tonnage, such surveyor shall survey such ship accordingly, and on the completion of such survey shall, if satisfied with the result of his survey, deliver to the owner or master of such ship a declaration of survey in the form prescribed by the Board of Trade and containing the particulars specified in the schedule to this Act annexed, and such owner or master shall, within four days after delivery of such declaration of survey, transmit the same to the Board of Trade. 30 35 40

A.D. 1875.

In case any such surveyor is not satisfied with the result of such survey he shall deliver to the owner or master of such ship a requisition in writing containing the particulars of the works or other matters in his judgment necessary, and such owner or master shall, before he receives a declaration of survey, comply with the terms of such requisition to the satisfaction of such surveyor, unless the Board of Trade shall, after appeal, otherwise order and direct: Provided always, that if in the judgment of such owner or master such works or matters or any of them are unnecessary for the purpose aforesaid, he may appeal to the Board of Trade, who may, if they think fit, hear the said surveyor and the owner or his representative, and the Board of Trade shall thereupon decide as to the necessity of such works or matters or any of them, and the decision of the Board of Trade shall be final and conclusive.

11. On receipt of a declaration of survey of any British ship the Board of Trade shall, if satisfied that the provisions of this Act in relation thereto have been complied with, send to the owner or other person named for the purpose in such declaration of survey a certificate in duplicate to the effect that the provisions of this Act, with respect to the survey of such ship, have been complied with, which certificate shall state—

Board of
Trade to
issue certi-
ficate.

(1.) The limits (if any) beyond which the ship is not fit to proceed;

(2.) The period during which the ship is fit for service;

(3.) The date at which the certificate shall expire; and

(4.) The minimum depth of freeboard the ship must, regard being had to the provisions of this Act, have in salt water when loaded, measuring from the upper side deck planking amidships to the load-line.

12. The Board of Trade may suspend or cancel a certificate in any case in which they are of opinion—

Suspension
or cancel-
lation of
certificate.

(1.) That any declaration of survey on which such certificate of survey was founded has been fraudulently or erroneously made or obtained, or is in any particular false or incorrect; or

(2.) That the certificate has been issued upon false or erroneous information; or

(3.) That since the making of the declaration or the issuing of the certificate, the hull, equipments, or machinery has or have sustained any injury, or has or have otherwise become defective or insufficient.

A.D. 1875. — And the Board of Trade may, whenever they think fit, require the owner of any ship to have such ship again surveyed, and to transmit to them a declaration of such fresh survey before they remove the suspension of such certificate or grant a fresh one in lieu thereof.

Delivery up
of certificate. **13.** The Board of Trade may require any certificate that has expired 5
or been suspended or cancelled to be delivered up at such time to
such person and in such manner as they direct, and if any owner or
master without reasonable cause, proof whereof shall lie on him,
fails to comply in any respect with such requirement, he shall for
each such failure incur a penalty not exceeding *ten pounds*. Pro- 10
vided that if a ship be absent from the United Kingdom at the time
when her certificate expires, is suspended, or cancelled a penalty
shall not be incurred for non-delivery of her certificate under this
section until she has returned to the United Kingdom.

A.D. 1875.

SCHEDULE referred to in this Act.

CONTENTS of DECLARATION.

The Declaration of Survey shall contain statements of the following particulars :

- 5 (1.) As to the hull, machinery, tackle, apparel, and equipments of the ship, whether the same are sufficient for the service intended :
 - (2.) As to the marking of the draught of water on the stem and stern, and of the load-line, whether the same is correct or legible :
 - 10 (3.) As to the lights, signals, compasses, valves, pumps, and fire-hose, whether the same are such and in such condition as required by the Merchant Shipping Act, 1854, and the Acts amending the same :
 - (4.) The time for which the hull, machinery, or equipments, as the same may be, will be sufficient :
 - 15 (5.) The limits (if any) beyond which, as regards the hull, machinery, and equipments, or any of them, the ship is not fit to proceed :
 - (6.) As to the certificate of the master, mate or mates, engineer or engineers, whether the same are such and in such condition as is required by the Merchant Shipping Act, 1854, and the Acts amending the same.
 - (7.) The person to whom the certificate of survey is to be sent.
-

Merchant Shipping (Load-line).

A

B I L L

To provide for the marking of a Load-line on British Ships, and for other purposes relating to the Survey of Ships.

*(Prepared and brought in by
Mr. Norwood, Mr. Edward Ashley, Mr. Reed,
and Mr. Eustace Smith.*

*Ordered, by The House of Commons, to be Printed,
23 March 1875.*

[Bill 106.]

Under 1 oz.

A

B I L L

TO

Amend the provisions of the Metalliferous Mines Regulation Act, 1872, with respect to the annual Returns from Mines. A.D. 1875.

WHEREAS by section ten of the Metalliferous Mines Regulation Act, 1872, the owner and agent of every mine was required to send annually such return as is mentioned in that section, and it is expedient to make further provision with respect
5 to such return :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 **1.** From and after the commencement of this Act, the owner or agent of every mine to which the Metalliferous Mines Regulation Act, 1872, applies shall, on or before the *first day of February* in every year, send to the inspector of the district on behalf of a Secretary of State a correct return, specifying, with respect to such
15 mine, for the year ending on the preceding *thirty-first day of December*, the quantity in statute weight of the mineral dressed, and of the undressed mineral sold, treated, or used, during that year, and the number of persons ordinarily employed in or about such mine, below ground and above ground, distinguishing those
20 who are employed below ground and above ground, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by the Metalliferous Mines Regulation Act, 1872.

The return shall be in such form as may be from time to time
25 prescribed by a Secretary of State, and the inspector of the district on behalf of a Secretary of State shall from time to time, on application, furnish forms for the purpose of such return.

[Bill 120.] +

Returns by
owners and
agents of
mines.

A.D. 1875. Every owner or agent of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against the Metalliferous Mines Regulation Act, 1872.

Provided that—

(1.) In any mine where not more than *twelve* persons are employed underground, the returns specifying the quantity of mineral produced from such mine shall be made by the barmaster or other officer, if any, employed to collect the dues or royalty; and

(2.) Where there is such a barmaster or other officer the owner or agent of such mine shall not be required to send any return specifying the number of persons employed in or about such mine.

Commence-
ment of Act. 2. This Act shall come into operation on the *second day of 15*
August one thousand eight hundred and seventy-five, which day is in this Act referred to as the commencement of this Act.

Short title
and con-
struction.

3. This Act shall be construed as one with the Metalliferous Mines Regulation Act, 1872, and that Act and this Act may be cited together as the Metalliferous Mines Regulation Acts, 1872 20
and 1875, and this Act may be cited separately as the Metalliferous Mines Regulation Act, 1875.

Repeal of
35 & 36 Vict.
c. 77. s. 10.

4. Section ten of the Metalliferous Mines Regulation Act, 1872, is hereby repealed as from the commencement of this Act.

Provided that such repeal shall not affect anything done or 25
suffered in pursuance of the said section, or any obligation or liability incurred under the said section, or any penalty incurred in respect of any offence committed against the said section, or any legal proceeding or remedy in respect of such liability or penalty; and any such legal proceeding or remedy may be carried on as if 30
this Act had not passed.

A

B I L L

To amend the provisions of the Metalliferous Mines Regulation Act, 1872, with respect to the annual Returns from Mines.

(Prepared and brought in by
Sir Henry Selwin-Ibbetson and
Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
15 April 1875.

[Bill 120.] +

Under 1 oz.

Metropolis Gas Companies Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Clause.

1. Short title.
2. Commencement of this Act.
3. Repeal of Acts.
4. Construction of Acts.
5. Interpretation.

Price of Gas.

6. Price.

Illuminating Power.

7. Illuminating power.

Pressure of Gas.

8. Pressure of gas.

Referees.

9. Appointment of referees.
10. Continuance of referees.
11. Quorum, &c. of referees.
12. Certificates of referees.

Testing for Illuminating Power, Purity, and Pressure.

13. Mode and times of testing illuminating power.
14. Examination of gasworks by referees.
15. Access to works.
16. Certificate of maximum and time.
17. Mode and times of testing purity of gas.
18. Mode of measuring gas for public lamps.
19. Freedom of gas from sulphuretted hydrogen.
20. Provision of testing places and apparatus.
21. Control, &c. of testing places.
22. Separate testing place for gas company.

Clause.

23. Description of burner for testing illuminating power.
24. Appointment of gas examiners.
25. Appointment of chief gas examiner.
26. Daily testing.
27. Testings for illuminating power.
28. Illuminating power and pressure for each day.
29. Representation of gas company.
30. Daily reports and access to books.
31. Appeal to chief gas examiner.
32. Where no appeal, report of examiner final.

Reports of Chief Gas Examiner.

33. Quarterly report of chief gas examiner.

Forfeitures.

34. Register of gas made.
35. Forfeiture for defect of power.
36. Forfeiture for excess of impurity.
37. Forfeiture for insufficiency of pressure.
38. Saving for unavoidable accident, &c.
39. Evidence of liability to forfeiture.
40. Forfeitures and losses from fraud to be borne by dividend.

Accounts.

41. Auditor of accounts.
42. Ascertainment of capital of gas companies.
43. Form of accounts.
44. Periodical audit.
45. Facilities for auditor, &c.
46. Power for corporation and Metropolitan Board to appear before auditor.
47. Arbitration between parties.

Dividends.

48. Profits of gas companies limited.
49. If profits exceed the amount limited, excess to be invested and form an insurance fund.

Clause.

- 50. Application of excess of profits over prescribed rate of dividend.
- 51. Provision for lower rate under special Act.
- 52. As to conversion of borrowed money into capital.

Miscellaneous.

- 53. Governors for street lamps.
- 54. Limit of charge for gas supplied to public lamps.
- 55. Settlement of differences by arbitration.
- 56. Gas company to make a map of mains and appliances beneath the public ways.
- 57. Penalty on gas company for default.
- 58. Deposit in case of dispute.

Expenses of Execution of Act.

- 59. Remuneration and expenses of gas referees, &c.
- 60. Remuneration and expenses of gas examiners.

Costs.

- 61. Expenses of Act.

SCHEDULES.

A

B I L L

TO

Amend the Metropolis Gas Act, 1860, and to make further provision for regulating the supply of Gas within the limits of the said Act ; and for other purposes relating thereto. A.D. 1875.

WHEREAS the “Metropolis Gas Act, 1860,” was passed for the better regulation of the supply of gas to the metropolis by the several gas companies in the said Act mentioned :

And whereas “The City of London Gas Act, 1868,” was passed to amend the Metropolis Gas Act, 1860, so far as it related to the city of London, and to three of the said companies, that is to say, the Gaslight and Coke Company, the City of London Gaslight and Coke Company, and the Great Central Gas Consumers Company, by which companies the city of London was then supplied with gas, as in the said Act recited, and to make better provision respecting the supply of gas within the city of London :

And whereas under the provisions of the City of London Gas Act, 1868, the City of London Gaslight and Coke Company and the Great Central Gas Consumers Company have been amalgamated with the Gaslight and Coke Company :

And whereas under the Gaslight and Coke Company’s Act, 1871, the Gaslight and Coke Company have acquired the undertakings of other two of the said companies, that is to say, of the Equitable Gas Company and of the Western Gaslight Company (Limited) :

And whereas the several gas companies specified in the first schedule to this Act annexed are now supplying gas within the limits of the Metropolis Gas Act, 1860, subject to different conditions, obligations, and liabilities :

And whereas for the purpose of securing within the limits of the Metropolis Gas Act, 1860, a proper supply of gas subject as nearly as may be to uniform conditions, it is expedient that the Metropolis Gas Act, 1860, should be amended, and that all the said gas companies should be made subject to the same obligations and liabilities,

[Bill 82.]

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A.D. 1875. — and that for such purpose the City of London Gas Act, 1868, should be repealed and provisions such as are in this Act contained should be made :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say :

Preliminary.

- Short title. 1. This Act may be cited for all purposes as "The Metropolis Gas Act, 1875." 10
- Commence-
ment of this Act. 2. This Act shall commence and have effect on and after the *first day of January one thousand eight hundred and seventy-six.*
- Repeal of Acts. 3. Such parts of the Metropolis Gas Act, 1860, as are described in the second schedule to this Act annexed, the City of London Gas Act, 1868, and such parts of any special Act of any gas company 15 as are inconsistent with this Act, shall, so far as they relate to and are in force within the limits of the Metropolis Gas Act, 1860, be and the same are hereby repealed : Provided always, that such repeal shall not affect anything duly done or suffered before the commencement of this Act under any enactment hereby repealed. 20
- Construction of Act. 4. Such parts of the Metropolis Gas Act, 1860, as are not repealed by this Act shall be read throughout as if the Board of Trade had been inserted therein instead of one of Her Majesty's Principal Secretaries of State, and as amended by this Act the same and this Act shall be construed together as one Act. 25
- Interpreta-
tion. 5. In this Act, except as herein otherwise expressly provided, words and expressions to which by the Metropolis Gas Act, 1860, meanings are assigned, have the same respective meanings.
- The term "the city" means the city of London and the liberties thereof : 30
- The term "corporation" means the mayor and commonalty and citizens of the city of London, and any power given to them may be exercised by the mayor, aldermen, and commons in common council assembled :
- The term "Metropolitan Board" means the Metropolitan Board of Works : 35
- The term "special Act" in relation to any gas company means and includes every and any Act of Parliament relating to such gas company :

The term "day" means (except in this section) twenty-four hours reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week :

The term "common gas" means gas of an illuminating power of not less than sixteen candles :

The term "cannel gas" means gas of an illuminating power of not less than twenty candles :

The expression "local authority" shall mean and include the Commissioners of Sewers of the city of London and the Metropolitan Board, vestries, and district boards appointed under an Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the local management of the metropolis.

Price of Gas.

6. The price to be charged for common gas shall not exceed *three shillings and ninepence* per one thousand cubic feet, and for cannel gas four shillings and ninepence per one thousand cubic feet ; provided that a gas company may increase such maximum price, subject to a decrease in the prescribed rate of dividend, as defined by this Act, to be calculated as follows :

For every penny or part of a penny charged in excess of such maximum price in any year the said prescribed rate of dividend shall for such year be reduced by five shillings per hundred pounds per annum ; and the provisions of this Act shall, with respect to such year, be read and have effect as if the prescribed rate of dividend so reduced had been therein mentioned, instead of the prescribed rate of dividend.

Illuminating Power.

7. The gas supplied by each gas company shall with respect to its illuminating power be such as to produce,—

In the case of common gas, a light equal in intensity to the light produced by sixteen candles ; and

In the case of cannel gas, a light equal in intensity to the light produced by twenty candles ;

such candles being sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

A.D. 1875.

*Pressure of Gas.*Pressure of
gas.

8. All gas supplied by a gas company to a private customer shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main as near as may be to the junction therewith of the service pipe supplying the customer's house, building, or land. 5

*Referees.*Appoint-
ment of
referees.

9. Three competent and impartial persons, to be called "the gas referees," shall as soon as may be after the commencement of this Act, and in every subsequent year, be appointed by the authorities following : 10

One by the Board of Trade ;

One by the corporation and the Metropolitan Board ; and 15

One by the gas companies :

And if during the term of office for which any referee is appointed such referee dies, resigns, becomes incapable, or refuses to act as such, the authority by whom such referee was appointed shall at once appoint a competent and impartial person in his place. 20

If at any time after the commencement of this Act there shall be a vacancy in the office of referee for more than one month, by reason of the default of the corporation and the Metropolitan Board, or of the gas companies, to appoint a person to fill the same, the Board of Trade shall appoint a competent and impartial person to fill such vacancy, and the person so appointed shall be deemed to have been appointed by the authority in default, and shall act as such referee in like manner in every respect as if he had been appointed by such authority. 25 30

Continuance
of referees.

10. Every person appointed to be one of the gas referees shall continue in office for one year only from the date of his appointment, but shall be capable of re-appointment.

Quorum,
&c. of
referees.

11. Two of the gas referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees. 35

Certificates
of referees.

12. A copy of each certificate of the gas referees required by this Act shall be sent by them to the corporation, the Metropolitan Board, and each of the gas companies. 40

Testing for Illuminating Power, Purity, and Pressure.

A.D. 1875.

13. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas supplied by the gas companies, and the number of the times of testing.

Mode and times of testing illuminating power.

14. The gas referees shall with all practicable speed after their appointment, and the gas referees for the time being may from time to time thereafter, inspect the works of the several gas companies and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient, at the works of the gas companies or elsewhere, for ascertaining the amount of sulphur and ammonia and of compounds thereof, or other impurity with which gas supplied by them is charged.

Examination of gasworks by referees.

15. The gas companies shall give to the gas referees and each of them, and each of their clerks, servants, and workmen, access to their respective works, and shall when required afford to them and each of them all facilities for the proper execution of their duty.

Access to works.

16. The gas referees shall from time to time ascertain with what degree of purity each gas company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by such gas company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against such gas company, regard being had to the necessity for any alteration of works by such gas company consequent on any such certificate.

Certificate of maximum and time.

17. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by each gas company, and the number of the times of testing such purity.

Mode and times of testing purity of gas.

18. The gas supplied by any gas company for public lighting shall, if required by either the local authority consuming or the gas company supplying such gas, be supplied by measurement; and the referees shall, if required by either party, from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Mode of measuring gas for public lamps.

A.D. 1875.

Freedom of
gas from
sulphuretted
hydrogen.

19. Gas supplied by the gas companies shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of impurity in that form.

Provision of
testing places
and appa-
ratus.

20. The gas referees shall from time to time prescribe and certify 5 what testing places and what apparatus therein for testing the illuminating power and purity of gas shall be provided by each gas company, one such place being prescribed for every station from which gas is supplied in each separate district supplied from such station, and each gas company shall provide and maintain such 10 testing places and apparatus accordingly.

Control, &c.
of testing
places.

21. The prescribed testing places and apparatus provided by the gas companies shall be under the control and management of the corporation or the Metropolitan Board, according as the same are situate within the city or elsewhere. 15

Separate
testing place
for gas com-
pany.

22. A gas company providing a prescribed testing place may also have a separate testing place in the same building under their own control and management.

Description
of burner
for testing
illuminating
power.

23. The burner to be used for testing common gas shall be a Sugg's London Argand, such as immediately before the passing of 20 this Act was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing gas, and a model of which shall be certified as such by the president of the Board of Trade, and shall be deposited with the Warden of the Standards. 25

Appoint-
ment of gas
examiners.

24. The corporation as regards testing places within the city, and the Metropolitan Board as regards testing places elsewhere, shall, as soon as may be after the commencement of this Act, appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several 30 testing places.

Appoint-
ment of
chief gas
examiner.

25. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Daily test-
ing.

26. A gas examiner shall at each testing place test daily the 35 illuminating power, purity, and pressure of gas supplied by the gas company, and in the event of the same being ascertained to be defective in either particular he shall forthwith give notice thereof to the gas company.

27. There shall be a testing of illuminating power made three times at least in each day, at such times as the gas referees think best suited for ascertaining that during the whole of each day the illuminating power of the gas is such as is prescribed by this Act, and nothing in this Act shall authorise the gas referees to prescribe fewer testings than those directed by this section.

A.D. 1875.

Testings for illuminating power.

28. The lowest result obtained on each day at the different testings prescribed by the gas referees, of the illuminating power and pressure of the gas supplied by any gas company, shall be deemed to represent the illuminating power and pressure of the gas supplied by such gas company on that day.

Illuminating power and pressure for each day.

29. Any gas company may, if they think fit, on each occasion of the testing of the gas supplied by them by a gas examiner be represented by some officer, but such officer shall not interfere in the testing.

Representation of gas company.

30. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by any gas company, conducted by him on the immediately preceding day, to the corporation, to the Metropolitan Board, to the chief gas examiner, and to such gas company, and the books kept by a gas examiner for recording the results of the testings of such gas by him shall be open at all reasonable times to the inspection of such gas company without payment.

Daily reports and access to books.

31. If a gas company think themselves aggrieved by any report of a gas examiner, they may, within seven days after the day to which the report relates, appeal to the chief gas examiner, whose decision (after hearing the parties) shall be final and conclusive, and the chief gas examiner shall report every such decision to the corporation and to the Metropolitan Board.

Appeal to chief gas examiner.

32. If in any case a gas company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive.

Where no appeal report of examiner final.

Reports of Chief Gas Examiner.

33. Not more than three days after the end of each quarter the chief gas examiner shall make a report to the corporation, the Metropolitan Board, and to each gas company on the results of the daily testings made in that quarter in connexion with each station of such gas company, and shall state therein with respect to gas supplied by such gas company from each station in that quarter,—

Quarterly report of chief gas examiner.

- (1.) The illuminating power on each day ;
- (2.) The amount of impurity in each form on each day ;
- (3.) The pressure on each day.

A.D. 1875.

*Forfeitures.*Register of
gas made.

34. Each gas company shall keep a register of all the gas made by them at each station on each day, and shall afford access thereto at all reasonable times to the corporation and the Metropolitan Board and their respective agents, and if any gas company at any time fail to comply with this section, they shall for every such offence forfeit a sum not exceeding *fifty pounds*.

Forfeiture
for defect of
power.

35. If on any day the gas supplied by a gas company from any station is of less illuminating power than it ought to be under this Act, the gas company shall forfeit a sum equal to the value of the defective power estimated at the rate of *twenty shillings* for every half candle of defective power on every one hundred thousand cubic feet or any fractional part less than one hundred thousand cubic feet of gas, whether cannel gas or common gas, respectively made at that station on the day of default.

Forfeiture
for excess of
impurity.

36. If on any day the gas supplied by a gas company from any station is of less purity than it ought to be under this Act, such gas company shall forfeit a sum of *fifty pounds* for each station in respect of which they are so in default.

Forfeiture
for insuffi-
ciency of
pressure.

37. If on any day the gas supplied by a gas company from any station is supplied at a pressure less than it ought to be under this Act, such gas company shall forfeit a sum not exceeding *ten pounds* for each station in respect of which they are so in default.

Saving for
unavoidable
accident, &c.

38. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident.

Evidence of
liability to
forfeiture.

39. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective power, excessive impurity, or insufficient pressure, shall be conclusive evidence of the liability of the gas company in respect of which the same shall have been made to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress, and on proof of any such report before two justices or a magistrate, at any time within one month after the date of the report, such justices or magistrate shall issue their or his warrant of distress accordingly.

Forfeitures
and losses
from fraud to

40. Every such forfeiture and any loss arising from fraud of the servants of any gas company, which the auditor (appointed as 40

in this Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid, to the satisfaction of such auditor, exclusively by and out of the divisible profits of the gas company by whom such forfeiture or
 5 loss is incurred and by way of reduction of dividend.

A.D. 1875.
 be borne by
 dividend.

Accounts.

41. There shall be an auditor of the accounts of the gas companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Auditor of
 accounts.

10 42. The auditor shall with all practicable speed after the commencement of this Act investigate the accounts of the gas companies and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall from time to time as new capital shall be expended in like manner ascertain and certify such
 15 new capital.

Ascertain-
 ment of
 capital of gas
 companies.

43. The auditor shall from time to time prescribe a uniform form of accounts to be kept by the gas companies.

Form of
 accounts.

44. The auditor shall during every half year, as and when he thinks fit, inspect the accounts of the gas companies and audit the
 20 same, and if he finds the same correct he shall certify the same respectively, but if in any instance he finds the accounts incorrect in principle or in detail he shall require the gas company to correct the same in such manner as he thinks right, and he may, if he thinks fit, grant a conditional certificate so as to authorise the
 25 payment of a dividend subject to correction, if need be, and, except in the case of a conditional certificate, a dividend shall not in any case be declared until the accounts are certified by the auditor.

Periodical
 audit.

The accounts as certified shall be laid before both houses of Parliament.

30 45. Each gas company shall give to the corporation, the Metropolitan Board, and the auditor, and their respective agents, access to the books and documents of such gas company, and shall when required furnish to them or any of them all vouchers and information requisite for the purposes of the audit, and shall afford them
 35 or any of them all facilities for the proper audit and investigation of their accounts.

Facilities for
 auditor, &c.

46. The corporation and the Metropolitan Board may, in case they shall so desire, appear before the auditor during the audit of or with respect to the accounts of any gas company, and before cer-
 40 tifying the same the auditors shall, if required, hear the corporation

Power for
 corporation
 and Metro-
 politan
 Board to
 appear before
 auditor.

A.D. 1875. and the Metropolitan Board and the gas company with respect to any matter relating to such audit or accounts.

Arbitration
between
parties.

47. If the corporation, the Metropolitan Board, or any gas company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between the parties, or in default of agreement appointed on the application of any of the parties by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the costs of the arbitration shall be in the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and subject to this provision the directions and determinations of the auditor shall be observed.

Dividends.

Profits of gas
companies
limited.

48. The profits of each gas company to be divided among the shareholders in any year shall not exceed the rate of *ten pounds* per centum per annum (in this Act referred to as "the prescribed rate of dividend") on the share capital of such gas company authorised by Parliament and paid up and expended on the undertaking.

If profits
exceed the
amount limi-
ted, excess to
be invested
and form an
insurance
fund.

49. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the prescribed rate of dividend, the excess beyond the sum necessary for such purpose shall from time to time, to the extent of one pound per centum per annum upon the paid-up capital of such gas company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the gas companies, which sum shall form an insurance fund to meet any extraordinary claim or demand which may at any time arise against the gas companies from accident which, in the opinion of the auditor, due prudence and management could not have prevented; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen; provided that when and so often as the said fund shall reach one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend.

50. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the prescribed rate of dividend and to form or make up the insurance fund by this Act authorised, the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year. But in every such case such gas company shall make a rateable reduction in the price for gas to be supplied by them in such following year, and the price so reduced shall be such as (regard being had to the amount of such excess) shall not admit of such gas company making profits in excess of the amount required to make up the prescribed rate of dividend.

A.D. 1875.

Application
of excess of
profits over
prescribed
rate of divi-
dend.

51. With respect to any portion of the capital of any gas company on which a rate of dividend other than ten pounds per centum per annum is allowed by any special Act of such gas company, the provisions of this Act shall be read and have effect as if such other rate of dividend had been therein mentioned instead of the prescribed rate of dividend.

Provision
for lower
rate under
special Act.

52. A gas company shall not raise any moneys by their special Acts or any of them authorised to be borrowed on mortgage, or any part of such moneys, by the creation of shares or stock instead of borrowing, or convert into capital the amount borrowed under the provisions of their special Acts, or any of them, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

As to con-
version of
borrowed
money into
capital.

Miscellaneous.

53. A gas company supplying gas to public lamps or the local authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the gas company or the local authority, as the case requires, shall be entitled to have access thereto for the purpose of examining the same, and in case any dispute arises between such gas company and the local authority with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive.

Governors
for street
lamps.

54. A gas company shall not charge a higher price per one thousand cubic feet for gas supplied to a local authority than the lowest price per one thousand cubic feet charged by them at the same time to any private customer, but if the gas company contend

Limit of
charge for
gas supplied
to public
lamps.

A.D. 1875. as against the local authority that there are special circumstances justifying them in charging a lower price to any other customer, the question shall be determined by arbitration, whether or not such lower price shall be taken as the standard for the price to be charged to the local authority, and the price fixed by such arbitration shall continue for two years at least. 5

Settlement
of differences
by arbitra-
tion.

55. Section thirty-eight of the Act of 1860 shall be read as if the Lands Clauses Consolidation Act, 1845, were therein mentioned instead of the Companies Clauses Consolidation Act, 1845.

Gas com-
pany to
make a map
of mains and
appliances
beneath the
public ways.

56. Each gas company shall, within six months after the passing 10 of this Act, provide a map of the district within which their mains or pipes may be laid, to a scale of not less than five feet to a mile, and shall show thereupon the lines, sizes, and depth beneath the surface of all their existing mains or pipes, excepting the service pipes to separate houses, and the positions of all valves, syphons, 15 and other appliances, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show correctly as near as may be the lines, positions, sizes, and depths of the various pipes and also their appliances, and shall keep such map 20 in the principal office of such gas company, and the same shall be open to the inspection of the local authorities and their officers and to the public generally, who may inspect or take copies of or extracts from the same, and such gas company may charge and take the sum of one shilling for each inspection of such map, and 25 the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

Penalty on
gas company
for default.

57. If any gas company fail to comply with any requirements of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may 30 adjudge, not exceeding the sum of *fifty pounds*.

Deposit in
case of dis-
pute.

58. Where a dispute arises between a gas company and one of their customers respecting any payment to be made to the gas company, if the customer deposits with the gas company by way of security the amount claimed by them it shall not be lawful for the 35 gas company to discontinue a supply of gas to the customer by reason of the dispute; but nothing herein shall authorise a gas company where such deposit is not made to discontinue a supply of gas to the customer in any case in which they would not have been authorised to do so if this Act had not been passed. 40

Expenses of Execution of Act.

A.D. 1875.

59. The remuneration of the gas referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the gas companies, and shall be from time to time apportioned by the Board of Trade among the gas companies in proportion to the amount of their paid-up share capitals, and the amount so apportioned to each gas company shall be paid by such gas company on demand to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the gas company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas referees, &c.

60. The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the corporation or Metropolitan Board according as such gas examiners were appointed by the corporation or the Metropolitan Board.

Remuneration and expenses of gas examiners.

Costs.

61. All costs, charges, and expenses incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the corporation and the Metropolitan Board in such proportions as they may agree upon.

Expenses of Act.

A.D. 1875. The SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

1. The Gaslight and Coke Company.
2. The Imperial Gaslight and Coke Company.
3. The South Metropolitan Gaslight and Coke Company. 5
4. The Commercial Gaslight and Coke Company.
5. The Independent Gaslight and Coke Company.
6. The London Gaslight Company.
7. The Phoenix Gaslight and Coke Company.
8. The Ratcliffe Gaslight and Coke Company. 10
9. The Surrey Consumers Gas Company.

SECOND SCHEDULE.

PARTS OF METROPOLIS GAS ACT, 1860, REPEALED.

Section two, as far as it incorporates the provisions of the Gasworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a gas company in respect of the rate of dividend. 15

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive. 20

Section thirty-seven.

Sections forty to forty-four, both inclusive.

Metropolis Gas Companies.

A

B I L L

To amend the Metropolis Gas Act, 1860,
and to make further provision for re-
gulating the supply of Gas within the
limits of the said Act; and for other
purposes relating thereto.

*(Prepared and brought in by
Sir James Hogg, Sir Andrew Lush,
Mr. Goldney, and Mr. John Holms.)*

*Ordered, by The House of Commons, to be Printed,
3 March 1875.*

[Bill 82.]

Under 3 oz.

Metropolis Gas Companies Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Clause.

1. Short title.
2. Commencement of this Act.
3. Repeal of Acts.
4. Construction of Act.
5. Interpretation.
6. Fixing maximum price of gas, with sliding scale as to dividend.
7. Existing preference shares and stocks not to be affected.

Illuminating Power.

8. Illuminating power.

Pressure of Gas.

9. Pressure of gas.

Referees.

10. Appointment of referees.
11. Continuance of referees.
12. Quorum, &c. of referees.
13. Certificates of referees.

Testing for Illuminating Power, Purity, and Pressure.

14. Mode and times of testing illuminating power.
15. Examination of gasworks by referees.
16. Access to works.
17. Purity of gas to be prescribed.
18. Mode and times of testing purity of gas.
19. Mode of measuring gas for public lamps.
20. Freedom of gas from sulphuretted hydrogen.
21. Provision of testing places and apparatus.
22. Control, &c. of testing places.
23. Separate testing place for gas company.

[Bill 224.]

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Clause.

24. Description of burner for testing illuminating power.
25. Appointment of gas examiners.
26. Appointment of chief gas examiner.
27. Daily testing.
28. What shall be deemed illuminating power and pressure for each day.
29. Average of testings of purity.
30. Representation of gas company.
31. Daily reports and access to books.
32. Appeal to chief gas examiner.
33. Where no appeal, report of examiner final.

Reports of Chief Gas Examiner.

34. Quarterly report of chief gas examiner.

Forfeitures.

35. Register of gas made.
36. Forfeiture for defect of power.
37. Forfeiture for excess of impurity.
38. Forfeiture for insufficiency of pressure.
39. Saving for unavoidable accident, &c.
40. Evidence of liability to forfeiture.
41. Forfeitures and losses from fraud to be borne by dividend.

Accounts.

42. Auditor of accounts.
43. Ascertainment of capital of gas companies.
44. Form of accounts.
45. Periodical audit.
46. Facilities for auditor, &c.
47. Power for Corporation and Metropolitan Board to appear before auditor.
48. Arbitration between parties.

Dividends.

49. If profits exceed the amount limited, excess to be invested and form an insurance fund.

Clause.

- 50. Application of excess of profits over prescribed rate of dividend.
- 51. Power to create a reserve fund out of dividends in excess of the "prescribed rate of dividend."
- 52. Application of reserve fund.
- 53. As to conversion of borrowed money into capital.

Miscellaneous.

- 54. Governors for street lamps.
- 55. Limit of charge for gas supplied to public lamps.
- 56. Gas company to make a map of mains and appliances beneath the public ways.
- 57. Penalty on gas company for default.
- 58. Deposit in case of dispute.

Expenses of Execution of Act.

- 59. Remuneration and expenses of gas referees, &c.
- 60. Remuneration and expenses of gas examiners.

Costs.

- 61. Expenses of Act.

SCHEDULES.

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Metropolis Gas Act, 1860, and to make further provision for regulating the supply of Gas within the limits of the said Act ; and for other purposes relating thereto. A.D. 1875.

WHEREAS the “Metropolis Gas Act, 1860,” was passed for the better regulation of the supply of gas to the metropolis by the several gas companies in the said Act mentioned :

And whereas “The City of London Gas Act, 1868,” was passed to amend the Metropolis Gas Act, 1860, so far as it related to the city of London, and to three of the said companies, that is to say, the Gaslight and Coke Company, the City of London Gaslight and Coke Company, and the Great Central Gas Consumers Company, by which companies the city of London was then supplied with gas, as in the said Act recited, and to make better provision respecting the supply of gas within the city of London :

And whereas under the provisions of the City of London Gas Act, 1868, the City of London Gaslight and Coke Company and the Great Central Gas Consumers Company have been amalgamated with the Gaslight and Coke Company :

And whereas under the Gaslight and Coke Company’s Act, 1871, the Gaslight and Coke Company have acquired the undertakings of other two of the said companies, that is to say, of the Equitable Gas Company and of the Western Gaslight Company (Limited) :

And whereas the several gas companies specified in the first schedule to this Act annexed are now supplying gas within the limits of the Metropolis Gas Act, 1860, subject to different conditions, obligations, and liabilities :

And whereas for the purpose of securing within the limits of the Metropolis Gas Act, 1860, a proper supply of gas subject as nearly as may be to uniform conditions, and of settling the terms of such supply, it is expedient that the Metropolis Gas Act, 1860, should be amended, and that all the said gas companies should be made

[Bill 224.]

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A.D. 1875. subject to the same obligations and liabilities, and that for such purpose the City of London Gas Act, 1868, should be repealed and provisions such as are in this Act contained should be made :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say :

Preliminary.

- | | | |
|-----------------------------------|--|----|
| Short title. | 1. This Act may be cited for all purposes as "The Metropolis Gas Act, 1875." | 10 |
| Commence-
ment of this
Act. | 2. This Act shall commence and have effect on and after the first day of January one thousand eight hundred and seventy-six. | |
| Repeal of
Acts. | 3. Such parts of the Metropolis Gas Act, 1860, as are described in the second schedule to this Act annexed, the whole of the City of London Gas Act, 1868, and such parts of any special Act of any 15 gas company as are inconsistent with this Act, shall, so far as they relate to and are in force within the limits of the Metropolis Gas Act, 1860, be and the same are hereby repealed : Provided always, that such repeal shall not affect anything duly done or suffered before the commencement of this Act under any enactment hereby repealed. | 20 |
| Construction
of Act. | 4. Such parts of the Metropolis Gas Act, 1860, as are not repealed by this Act shall be read throughout as if the Board of Trade had been inserted therein instead of one of Her Majesty's Principal Secretaries of State, and as amended by this Act the same and this Act shall be construed together as one Act. | 25 |
| Interpreta-
tion. | <p>5. In this Act, except as herein otherwise expressly provided, words and expressions to which by the Metropolis Gas Act, 1860, meanings are assigned, have the same respective meanings.</p> <p>The term "the city" means the city of London and the liberties thereof :</p> <p>The term "corporation" means the mayor and commonalty and citizens of the city of London, and any power given to them may be exercised by the mayor, aldermen, and commons in common council assembled :</p> <p>The term "Metropolitan Board" means the Metropolitan Board 35 of Works :</p> <p>The term "special Act" in relation to any gas company means and includes every and any Act of Parliament relating to such gas company :</p> | 30 |

The term "prescribed rate of dividend" in relation to any gas company means and includes the rate or rates of dividend on the ordinary stock or share capital of such gas company limited by the provisions of the special Act :

A.D. 1875.

5 The term "day" means (except in this section) twenty-four hours reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week :

10 The term "common gas" means gas of an illuminating power of not less than sixteen candles :

The term "cannel gas" means gas of an illuminating power of not less than twenty candles :

15 The expression "local authority" shall mean and include the Commissioners of Sewers of the city of London and the Metropolitan Board, vestries, and district boards appointed under an Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the local management of the metro-
20 polis.

6. The standard price to be charged by a gas company for gas supplied by them shall be, for common gas three shillings and ninepence per one thousand cubic feet, and for cannel gas four
25 shillings and ninepence per one thousand cubic feet : Provided that a gas company may increase or diminish such standard price subject to a decrease or increase in the prescribed rate of dividend, to be calculated as follows :

Fixing maximum price of gas, with sliding scale as to dividend.

30 For every penny or part of a penny charged in excess or in diminution of such standard price in any year, the said prescribed rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

7. The rates of dividend payable at the time of the passing of this Act by any gas company in respect of any preference shares or
35 preference stock of such company created under the authority of any Act of Parliament in force at the time of the passing of this Act shall not be increased or diminished.

Existing preference shares and stocks not to be affected.

Illuminating Power.

8. The gas supplied by each gas company shall with respect to
40 its illuminating power be such as to produce, when consumed at

Illuminating power.

A.D. 1875. the rate of five cubic feet per hour in the burners hereafter prescribed,—

In the case of common gas, a light equal in intensity to the light produced by sixteen candles; and

In the case of cannel gas, a light equal in intensity to the light produced by twenty candles;
such candles being sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

Pressure of Gas.

Pressure of gas.

9. All gas supplied by a gas company to a private customer shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height.

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Referees.

Appoint-
ment of
referees.

10. The Board of Trade shall, as soon as may be after the passing of this Act, appoint three competent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called "the gas referees" (and who are in this Act referred to as "the gas referees"), and in case of a vacancy happening among them by death, resignation, or otherwise, shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

25

Continuance
of referees.

11. Every person appointed to be one of the gas referees shall continue in office for one year only from the date of his appointment, but shall be capable of re-appointment.

Quorum,
&c. of
referees.

12. Two of the gas referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees.

Certificates
of referees.

13. A copy of each certificate of the gas referees required by this Act shall be sent by them to the corporation, the Metropolitan Board, and each of the gas companies.

Testing for Illuminating Power, Purity, and Pressure.

35

Mode and
times of test-
ing illumi-
nating
power.

14. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas

supplied by the gas companies, and the number of the times of testing. A.D. 1875.

15. The gas referees shall with all practicable speed after their appointment, and the gas referees for the time being may from 5 time to time thereafter, inspect the works of the several gas companies and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient, at the works 10 of the gas companies or elsewhere, for ascertaining the amount of sulphur and ammonia and of compounds thereof, or other impurity with which gas supplied by them is charged.

Examination
of gasworks
by referees.

16. The gas companies shall give to the gas referees and each of them, and each of their clerks, servants, and workmen, access to 15 their respective works, and shall when required afford to them and each of them all facilities for the proper execution of their duty.

Access to
works.

17. The gas referees shall from time to time ascertain with what degree of purity each gas company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by such gas company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against such gas company, 20 regard being had to the necessity for any alteration of works by such gas company consequent on any such certificate.

Purity of
gas to be
prescribed.

18. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by each gas company, and the number of the 30 times of testing such purity.

Mode and
times of test-
ing purity of
gas.

19. The gas supplied by any gas company for public lighting shall, if required by either the local authority consuming or the gas company supplying such gas, be supplied by measurement; and the referees shall, if required by either party, from time to 35 time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Mode of
measuring
gas for public
lamps.

20. Gas supplied by the gas companies shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of 40 impurity in that form.

Freedom of
gas from
sulphuretted
hydrogen.

A.D. 1875.

Provision of
testing places
and appa-
ratus.

21. The gas referees shall from time to time prescribe and certify the situation and number of the testing places and the apparatus and materials therein for testing the illuminating power, purity, and pressure of the gas to be provided by each gas company, one such place being prescribed in each separate district in which the gas is consumed for every station from which gas is supplied in such district, and each gas company shall provide and maintain such testing places, apparatus, and materials accordingly. 5

Control, &c.
of testing
places.

22. The prescribed testing places, materials, and apparatus provided by the gas companies shall be under the control and management of the Corporation or the Metropolitan Board, according as the same are situate within the city or elsewhere. 10

Separate
testing place
for gas com-
pany.

23. A gas company providing a prescribed testing place may also have a separate testing place in the same building under their own control and management. 15

Description
of burner
for testing
illuminating
power.

24. The burner for testing common gas shall be a Sugg's London Argand, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing gas, and three or more models of which shall be certified as such by the President of the Board of Trade, whereof one shall be deposited with the Warden of the Standards, one with the Metropolitan Board, and one with the Commissioners of Sewers of the City of London. 20

Appoint-
ment of gas
examiners.

25. The Corporation within the city, and the Metropolitan Board elsewhere, shall, as soon as may be after the commencement of this Act, respectively appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places within their respective jurisdictions. 25 30

Appoint-
ment of
chief gas
examiner.

26. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Daily test-
ing.

27. A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining that during the whole of each day the illuminating power, purity, and pressure of the gas supplied by the gas company are such as are respectively prescribed under this Act, and in the event of the same being ascertained to be defective in any particular he shall forthwith give notice thereof to the gas company. 35 40

28. The average of all the testings of illuminating power and pressure on each day shall be deemed to represent the illuminating power and pressure respectively on that day.

A.D. 1875.

What shall be deemed illuminating power and pressure for each day.

29. The average of all the testings of purity on three successive days shall be deemed to represent the purity on each of such days.

Average of testings of purity.

30. Any gas company may, if they think fit, on each occasion of the testing by a gas examiner of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing.

Representation of gas company.

31. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by any gas company, conducted by him on the immediately preceding day, to the Corporation, to the Metropolitan Board, to the chief gas examiner, and to such gas company, and the books kept by a gas examiner for recording the results of the testings of such gas by him shall be open at all reasonable times to the inspection of such gas company without payment.

Daily reports and access to books.

32. If a gas company think themselves aggrieved by any report of a gas examiner, they may, within seven days after the day to which the report relates, appeal to the chief gas examiner, whose decision (after hearing the parties) shall be final and conclusive, and the chief gas examiner shall report every such decision to the Corporation and to the Metropolitan Board.

Appeal to chief gas examiner.

33. If in any case a gas company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive.

Where no appeal report of examiner final.

Reports of Chief Gas Examiner.

34. Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the Corporation, the Metropolitan Board, and to each gas company on the results of the daily testings made in that quarter in connexion with each station of such gas company, and shall state therein with respect to gas supplied by such gas company from each station in that quarter,—

Quarterly report of chief gas examiner.

- (1.) The illuminating power on each day ;
(2.) The amount of impurity in each form on each day ;
(3.) The pressure on each day.

Forfeitures.

35. Each gas company shall keep a register of all the gas made by them at each station on each day, and shall afford access thereto

Register of gas made.

A.D. 1875. at all reasonable times to the Corporation and the Metropolitan Board and their respective agents, and if any gas company at any time fail to comply with this section, they shall for every such offence forfeit a sum not exceeding fifty pounds.

Forfeiture
for defect of
power.

36. If on any day the gas supplied by a gas company from any station is of less illuminating power than it ought to be under this Act, the gas company shall be liable to the following forfeitures :

For the first half of a candle of defective power, forty shillings ;

For the first and every subsequent candle of defective power ; a sum equal to the value of the defective power estimated at the rate of twenty shillings for every half candle of defective power on every one hundred thousand cubic feet or any fractional part less than one hundred thousand cubic feet of gas, whether cannel gas or common gas, respectively made at that station on the day of default.

15

Forfeiture
for excess of
impurity.

37. If on any day the gas supplied by a gas company from any station is of less purity than it ought to be under this Act, such gas company shall forfeit a sum of fifty pounds for each station in respect of which they are so in default.

Forfeiture
for insuffi-
ciency of
pressure.

38. If on any day the gas supplied by a gas company from any station is supplied at a pressure less than it ought to be under this Act, such gas company shall forfeit a sum not exceeding ten pounds for each station in respect of which they are so in default.

Saving for
unavoidable
accident, &c.

39. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident.

25

Evidence of
liability to
forfeiture.

40. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective power, excessive impurity, or insufficient pressure, shall be conclusive evidence of the liability of the gas company in respect of which the same shall have been made to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress, and on proof of any such report before two justices or a magistrate, at any time within one month after the date of the report, such justices or magistrate shall issue their or his warrant of distress accordingly.

35

Forfeitures
and losses
from fraud to

41. Every such forfeiture and any loss arising from fraud of the servants of any gas company, which the auditor (appointed as

40

in this Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid, to the satisfaction of such auditor, exclusively by and out of the divisible profits of the gas company by whom such forfeiture or
 5 loss is incurred and by way of reduction of dividend.

A.D. 1875.
 be borne by
 dividend.

Accounts.

42. There shall be an auditor of the accounts of the gas companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

Auditor of
 accounts.

10 43. The auditor shall with all practicable speed after the commencement of this Act investigate the accounts of the gas companies and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall from time to time as new capital shall be expended in like manner ascertain and certify such
 15 new capital.

Ascertain-
 ment of
 capital of gas
 companies.

44. The auditor shall from time to time prescribe a uniform form of accounts to be kept by the gas companies.

Form of
 accounts.

45. The auditor shall during every half year, as and when he thinks fit, inspect the accounts of the gas companies and audit the
 20 same, and if he finds the same correct he shall certify the same respectively, but if in any instance he finds the accounts incorrect in principle or in detail he shall require the gas company to correct the same in such manner as he thinks right, and he may, if he thinks fit, grant a conditional certificate so as to authorise the
 25 payment of a dividend subject to correction, if need be, and, except in the case of a conditional certificate, a dividend shall not in any case be declared until the accounts are certified by the auditor.

Periodical
 audit.

The accounts as and when certified shall be forthwith laid before both houses of Parliament if Parliament be then sitting, and if
 30 Parliament be not then sitting within seven days after the commencement of the then next session of Parliament.

46. Each gas company shall give to the auditor, his clerks and assistants, access to the books and documents of such gas company, and shall when required furnish to him or them all vouchers and
 35 information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Facilities for
 auditor, &c.

47. A copy of the accounts before the auditor shall certify the same shall be forwarded to the Corporation and the Metropolitan
 40 Board, and the Corporation and the Metropolitan Board may, in

Power for
 corporation
 and Metropo-
 litan
 Board to
 appear before
 auditor.

[224.]

B

A.D. 1875. case they shall so desire, appear before the auditor, and before certifying the accounts the auditor shall, if required, hear the Corporation and the Metropolitan Board and the gas company with respect to any matter relating to such audit or accounts.

Arbitration
between
parties.

48. If the Corporation, the Metropolitan Board, or any gas company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between the parties, or in default of agreement to be appointed on the application of any of the parties by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the costs of the arbitration shall be in the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and subject to this provision the directions and determinations of the auditor shall be observed.

Dividends.

If profits
exceed the
amount limited,
excess to
be invested
and form an
insurance
fund.

49. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the rate of dividend by this Act authorised, the excess beyond the sum necessary for such purpose shall from time to time, to the extent of one pound per centum per annum upon the paid-up capital of such gas company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of such gas company, which sum shall form an insurance fund to meet any extraordinary claim or demand which may at any time arise against such gas company from accident which, in the opinion of the auditor, due prudence and management could not have prevented; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen; provided that when and so often as the said fund shall reach one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend.

Application
of excess of
profits over
prescribed
rate of dividend.

50. If the clear profits of the undertaking of any gas company in any year amount to a larger sum than is sufficient to make up the rate of dividend by this Act authorised, and to form or make

up the insurance fund by this Act authorised, the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year. A.D. 1875

5 51. Where in any year the amount of the prescribed rate of dividend of any gas company shall by reason of a decrease in the standard price charged by such gas company in such year be increased, then out of the amount of the divisible profits of such company applicable to the payment of such increase, such gas company may in such year, set apart such sum as they shall think fit. Power to create a reserve fund out of dividends in excess of "the prescribed rate of dividend."

15 52. All sums (if any) so set apart by any gas company, and the reserve fund or reserved fund (if any) of any gas company existing at the time of the passing of this Act shall be called "the reserve fund" of such gas company, and shall be applicable to the payment of dividend in any year in which the clear profits of such company shall be insufficient to enable the company in such year to pay the rate of dividend authorised by this Act; save as aforesaid, no sum shall in any year be carried by any company to any reserve or reserved fund, anything in the special Act of that company to the contrary notwithstanding. Application of reserve fund.

25 53. A gas company shall not raise any moneys by their special Acts or any of them authorised to be borrowed on mortgage, or any part of such moneys, by the creation of shares or stock instead of borrowing, or convert into capital the amount borrowed under the provisions of their special Acts, or any of them, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum. As to conversion of borrowed money into capital.

Miscellaneous.

30 54. A gas company supplying gas to public lamps or the local authority may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the gas company or the local authority, as the case requires, shall be entitled to have access thereto for the purpose of examining the same, and in case any dispute arises between such gas company and the local authority with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive. Governors for street lamps.

40 55. A gas company shall not charge a higher price per one thousand cubic feet for gas supplied to a local authority than the Limit of charge for gas supplied to public lamps.

A.D. 1875. lowest price per one thousand cubic feet charged by them at the same time to any private customer, but if the gas company contend as against the local authority that there are special circumstances justifying them in charging a lower price to any other customer, the question whether or not such lower price shall be taken 5 as the standard for the price to be charged to the local authority shall be determined by arbitration, and the price fixed by such arbitration shall continue for two years at least.

Arbitrations under this section shall be conducted in the manner prescribed by the Lands Clauses Consolidation Act, 1845, 10 with respect to the settlement of disputes by arbitration.

Gas com-
pany to
make a map
of mains and
appliances
beneath the
public ways.

56. Each gas company shall, within six months after the passing of this Act, provide a map of the district within which their mains or pipes may be laid, to a scale of not less than five feet to a mile, and shall show thereupon the lines, sizes, and depth beneath the 15 surface of all their existing mains or pipes, excepting the service pipes to separate houses, and the positions of all valves, syphons, and other appliances, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show 20 correctly as near as may be the lines, positions, sizes, and depths of the various pipes and also their appliances, and shall keep such map in the principal office of such gas company, and the same shall be open to the inspection of the local authorities and their officers and to the public generally, who may inspect or take copies of or 25 extracts from the same, and such gas company may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map.

Penalty on
gas company
for default.

57. If any gas company fail to comply with any of the require- 30 ments of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may adjudge, not exceeding the sum of fifty pounds.

Deposit in
case of dis-
pute.

58. Where a dispute arises between a gas company and one of their customers respecting any payment to be made to the gas 35 company, if the customer deposits with the gas company by way of security the amount claimed by them it shall not be lawful for the gas company to discontinue a supply of gas to the customer by reason of the dispute; but nothing herein shall authorise a gas company where such deposit is not made to discontinue a supply of 40 gas to the customer in any case in which they would not have been authorised to do so if this Act had not been passed.

Expenses of Execution of Act.

A.D. 1875.

59. The remuneration of the gas referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the gas companies, and shall be from time to time apportioned by the Board of Trade among the gas companies in proportion to the amount of their paid-up share capitals, and the amount so apportioned to each gas company shall be paid by such gas company on demand to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the gas company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas referees, &c.

60. The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the Commissioners of Sewers of the City of London or Metropolitan Board according as such gas examiners may have been appointed by the Corporation or the Metropolitan Board as part of the expense of the execution of the Acts relating to the said Commissioners and Metropolitan Board respectively.

Remuneration and expenses of gas examiners.

20

Costs.

61. All costs, charges, and expenses incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation and the Metropolitan Board in such proportions as they may agree upon.

Expenses of Act.

A.D. 1875.

The SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

1. The Gaslight and Coke Company.
2. The Imperial Gaslight and Coke Company.
3. The South Metropolitan Gaslight and Coke Company. 5
4. The Commercial Gaslight and Coke Company.
5. The Independent Gaslight and Coke Company.
6. The London Gaslight Company.
7. The Phoenix Gaslight and Coke Company.
8. The Ratcliffe Gaslight and Coke Company. 10
9. The Surrey Consumers Gas Company.

SECOND SCHEDULE.

PARTS OF METROPOLIS GAS ACT, 1860, REPEALED.

Section two, as far as it incorporates the provisions of the Gasworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a gas company in respect of the rate of dividend. 15

So much of section five as defines the meaning of the expression "local authority" and of the words "common gas" and "cannel gas." 20

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Sections thirty-seven and thirty-eight.

Sections forty to forty-four, both inclusive. 25

Metropolis Gas Companies.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Metropolis Gas Act, 1860,
and to make further provision for re-
gulating the supply of Gas within the
limits of the said Act; and for other
purposes relating thereto.

*(Prepared and brought in by
Sir James Hogg, Sir Andrew Lush,
Mr. Goldney, and Mr. John Holmes.)*

*Ordered, by The House of Commons, to be Printed,
28 June 1875.*

[Bill 224.]

Under 3 oz.

A

B I L L

TO

Amend the Metropolis Local Management Acts.

A.D. 1875.

WHEREAS by section one hundred and sixty-three of the Metropolis Local Management Act, 1855, it is provided that any sewers rate raised under that Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, 5 market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land :

And whereas by section one hundred and sixty-four of the same Act it is also provided that where any property was, at the time of 10 the issuing of the first commission under the Act of the eleventh and twelfth years of Her Majesty, chapter one hundred and twelve, entitled to exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under that 15 Act :

And whereas by virtue of the said recited Act, and the Acts amending the same, the Metropolitan Board of Works do assess the several parts of the metropolis according to the basis on which the county rate is made, and issue their precepts for sums of money 20 which, by reason of the recited exemptions, cannot be levied upon some of the property included in such assessment, or can only be levied at one fourth of the amount included in such assessment, whereby the parts of the metropolis wherein such exemptions exist are compelled to make a rate at an increased amount in order to 25 meet such precepts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

30 1. *From and after the passing of this Act* the Metropolitan Board of Works, in every assessment made by them upon such parts of the [Bill 38.] Metropolitan Board of Works to

A.D. 1875. metropolis as contain property wholly or partially exempt from
 make abate- sewers rate, and in the precepts issued for obtaining payment of the
 ment on as- sums so assessed, shall make an allowance or abatement equal to the
 sessment of reduction or exemption which, under the one hundred and sixty-
 parts of me- third and one hundred and sixty-fourth sections of the Metropolis 5
 tropolis con- Local Management Act, 1855, is required to be made in levying
 taining pro- any rate for the purpose of meeting such precepts.
 perty exempt from sewers
 rate.

Totals of 2. The overseers and assessment committees acting under the
 value of Valuation of Property (Metropolis) Act, 1869, shall cause the totals
 property so of the gross and rateable value of the property so wholly or partially 10
 exempt to be exempt from sewers rate, and the extent of such exemption, to be
 inserted in ascertained and inserted in the valuation lists now in force and the
 valuation valuation lists hereafter to be made by them.

Totals to be 3. The said lists shall be sent by the assessment committees
 printed. before the *first day of November* in each year to the clerk of the 15
 managers of the Metropolitan Asylum District, who shall print and
 send the said totals and extent of exemptions, with the other totals
 of gross and rateable value required to be printed and sent by the
 seventeenth section of the said Valuation of Property (Metropolis)
 Act, 1869.

Appeal in 4. Any unfairness or incorrectness in the said totals and extent
 case of un- of exemptions may be appealed against in the manner provided for
 fairness, &c. appealing against totals of gross or rateable value under section
 thirty-two of the Valuation of Property (Metropolis) Act, 1869.

**Metropolis Local
Management Acts
Amendment.**

A

B I L L

To amend the Metropolis Local Manage-
ment Acts.

*(Prepared and brought in by
Mr. Boord, Sir Charles Mills, Mr. Cope, and
Mr. Gordon.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 38.]

Under 1 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Metropolis Local Management Acts.

A.D. 1875.

WHEREAS by section one hundred and sixty-three of the Metropolis Local Management Act, 1855, it is provided that any sewers rate raised under that Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land :

And whereas by section one hundred and sixty-four of the same Act it is also provided that where any property was, at the time of the issuing of the first commission under the Act of the eleventh and twelfth years of Her Majesty, chapter one hundred and twelve, entitled to exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under that Act :

And whereas by virtue of the said recited Act, and the Acts amending the same, the Metropolitan Board of Works do assess the several parts of the metropolis according to the basis on which the county rate is made, and issue their precepts for sums of money which, by reason of the recited exemptions, cannot be levied upon some of the property included in such assessment, or can only be levied at one fourth of the amount included in such assessment, whereby the parts of the metropolis wherein such exemptions exist are compelled to make a rate at an increased amount in order to meet such precepts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *From and after the passing of this Act* the Metropolitan Board of Works, in every assessment made by them upon such parts of the

Metropoli-
tan Board of
Works to

[Bill 153.]

A.D. 1875. metropolis as contain property wholly or partially exempt from sewers rate, and in the precepts issued for obtaining payment of the sums so assessed, shall make an allowance or abatement equal to the reduction or exemption which, under the one hundred and sixty-third and one hundred and sixty-fourth sections of the Metropolis 5 Local Management Act, 1855, is required to be made in levying any rate for the purpose of meeting such precepts.

make, abatement on assessment of parts of metropolis containing property exempt from sewers rate.

2. The overseers and assessment committees acting under the Valuation of Property (Metropolis) Act, 1869, shall cause the totals of the gross and rateable value of the property so wholly or partially 10 exempt from sewers rate, and the extent of such exemption, to be ascertained and inserted in the valuation lists hereafter to be made by them.

Totals to be printed.

3. The said lists shall be sent by the assessment committees before the *first day of November* in each year to the clerk of the 15 managers of the Metropolitan Asylum District, who shall print and send the said totals and extent of exemptions, with the other totals of gross and rateable value required to be printed and sent by the seventeenth section of the said Valuation of Property (Metropolis) Act, 1869. 20

Appeal in case of unfairness, &c.

4. Any unfairness or incorrectness in the said totals and extent of exemptions may be appealed against in the manner provided for appealing against totals of gross or rateable value under section thirty-two of the Valuation of Property (Metropolis) Act, 1869.

Metropolis Local
Management Acts
Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Metropolis Local Manage-
ment Acts.

(Prepared and brought in by
Mr. Boord, Sir Charles Mills, Mr. Cope, and
Mr. Gordon.)

Ordered, by The House of Commons, to be Printed,
6 May 1875.

[Bill 153.]

Under 1 oz.

Metropolis Water Supply and Fire Prevention Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Interpretation.

Metropolitan Water Commission.

3. Incorporation of Commission by Order in Council.

Transfer of Undertakings.

4. Transfer of undertakings to Commission.

Powers and Duties of Commission.

5. Special powers of Commission.
6. Application of Metropolis Water Act, 1852.
7. Application of Metropolitan Water Act, 1871.
8. Power to borrow for capital expenditure.
9. Loans by Public Works Loan Commissioners.
10. Accounts of the Commission.
11. Application of income.
12. Application of money on capital account.

Annuities to Shareholders.

13. Consideration for transfer to be annuities.
14. Conditions of annuities.

General Provisions respecting Companies.

15. Closing of capital account of Company.
16. Winding up and dissolution of Company.
17. Payment of Company's debts, &c.
18. Pending actions, &c.
19. Allowances to directors.

[Bill 86.]

A

Clause.

20. Allowances to officers not continued.
21. Provision respecting officers continued.
22. Commencement of service.
23. Composition for annuity.
24. Gratuity to weekly servants.

Control of Treasury.

25. Authority of Treasury over allowances to directors, audit, &c.

Miscellaneous.

26. Regulation of arbitrations.
27. Forms in schedule.
28. Expenses of Act.

SCHEDULES.

A

B I L L

FOR

Making more effectual provision for a constant Supply of
Water, and for the protection of Life and Property against
Fire in the Metropolis. A.D. 1875.

WHEREAS the vesting in one competent authority of the several undertakings of the eight companies now supplying water in the metropolis and its neighbourhood would be of great public advantage, as tending to secure a constant supply of water to all classes of houses, and an efficient pressure for the extinction of fires and other purposes, and as tending to economy and the consequent provision of funds by means whereof the poorer class of houses may be supplied with fittings for receiving a constant supply:

And whereas larger powers and greater freedom of action may be properly intrusted and allowed to a public Commission than to companies carrying on undertakings for their own benefit:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preamble.

1. This Act may be cited as The Metropolis Water Act, 1875.

2. In this Act—

“Metropolitan Water Companies” and “Metropolitan Water Company” and “Company” mean respectively the Companies named in the first schedule to this Act, and any one or each of them (as the case may require):

“Undertaking” includes reservoirs, works, mains, pipes, plant (fixed or moveable), machinery, implements, conveniences, buildings, lands, easements, interests, books of account, stock in trade, chattels, effects, securities, reserve fund, cash at

Short title.

Interpretation.

A.D. 1875.

bankers and elsewhere, moneys, credits, profits, water-rents, and other rents, current or in arrear, things in action, claims, demands, authorities, powers, rights, and privileges, and all other the property, real and personal, of or belonging to the Company (except, as regards the New River Company, their 5 lands, buildings, and property not directly used for or connected with their water supply), subject to the debts, contracts, and liabilities of the Company :

- “The Treasury” means the Commissioners of Her Majesty’s Treasury, or two of them : 10
- “Share” includes the fractional part of a share and includes stock :
- “Shareholder” means the holder of a share, and includes his representatives and assigns :
- “Mortgage” includes charge and debenture and debenture stock, 15 with the interest thereon :
- “Officer” includes secretary, engineer, solicitor, accountant, and collector.

Metropolitan Water Commission.

Incorporation of Commission by Order in Council.

3. It shall be lawful for Her Majesty the Queen in Council, on 20 the recommendation of one of Her Majesty’s Principal Secretaries of State, by Order in Council, to incorporate a commission for the purposes of this Act by the name of The Metropolitan Water Commission, with perpetual succession and a common seal, and with power to purchase, take, and hold, and to dispose of (by grant, 25 demise, or otherwise) lands and other property for the purposes of this Act (which Commission is in this Act referred to as the Commission), and from time to time by Order in Council to alter or add to the provisions of the original Order.

The Commission may comprise, if it seems fit to Her Majesty 30 in Council, members having experience in public employments or in the Civil Service of the State, and members having experience in connexion with water undertakings.

The appointment of any person to be a member of the Commission shall not affect him in respect of a right of being elected 35 to and of sitting and voting in the House of Commons.

Any such Order may contain such provisions as to Her Majesty in Council seem fit respecting the constitution of the Commission, the qualification of the members thereof, the remuneration of some of the members thereof, the supplying of vacancies therein, the 40 meetings, proceedings, officers, contracts, and accounts thereof, and

other matters incident to or consequent on the appointment of the Commission, and may so provide by incorporation of provisions of The Commissioners Clauses Act, 1847, or otherwise.

The provisions of any such Order shall have effect as if they were
5 enacted by Parliament.

Transfer of Undertakings.

4. The Commission shall, within _____ after their Transfer of
incorporation, serve a declaration in writing, under their common undertakings
seal, on each Metropolitan Water Company, declaring the transfer to Com-
mission.
10 and vesting of the Company's undertaking to and in the Com-
mission as from a time therein defined.

Thereupon the Company's undertaking shall, as from the time so defined, be transferred to and vested in the Commission for the purposes and subject to the provisions of this Act (which transfer and vesting, as regards each Company, is in this Act referred to as the transfer).

From and after the transfer the Commission shall have, and may in their own name and on their own behalf exercise and enjoy, all the statutory and other rights, powers, and privileges of the Company (other than such thereof as relate or are incident to the constitution or capital of the Company) in like manner and form and subject to the same conditions, liabilities, and incidents, in and subject to which, before the transfer, those rights, powers, and privileges were had and might have been exercised and enjoyed by the Company, or as near thereto as circumstances admit.

Powers and duties of Commission.

5. The Commission shall, in addition and without prejudice to their general powers under any Order in Council or other provisions of this Act, have power to do the following things : Special powers of Commission.

30 To combine, as far as physical conditions admit, the sources of
supply and works of the several companies :

To dispose of works, lands, and property becoming superfluous in consequence of such combination :

35 To continue any supply given by a Company at the time of the transfer, and to extend from time to time their supply within the parishes supplied :

To put the works into a condition for maintenance of constant supply at high pressure :

A.D. 1875. To provide and place hydrants and apparatus for high pressure supply in case of fire, and for other purposes :

To provide and fix apparatus for cleansing and watering streets, and for other sanitary purposes.

Application of Metro-
politan Water
Act, 1852. 6. From and after the transfer The Metropolis Water Act, 1852, 5 shall operate, as regards the Commission, subject and according to the following provisions :

(1.) Subject to the provisions of this section, the Commission shall be substituted throughout for a Company.

(2.) Sections five to thirteen both inclusive (relating to powers 10 of the Board of Trade over companies) shall not apply to the Commission.

(3.) Section sixteen (relating to penalties) and section twenty-six (relating to regulations) shall operate as if no authority were therein conferred on the Board of Trade. 15

Application of Metro-
politan
Water Act,
1871. 7. From and after the transfer The Metropolis Water Act, 1871, shall operate, as regards the Commission, subject and according to the following provisions :

(1.) Subject to the provisions of this section, the Commission shall be substituted throughout (except in section forty- 20 seven, relating to the New River Company) for a Company.

(2.) Section eight (relating to constant supply) as far as it refers to a proposal to the metropolitan authority shall cease to operate. 25

(3.) Section nine (relating to appeal to the Board of Trade) shall not apply to the Commission.

(4.) The powers conferred on the metropolitan authority by section ten (relating to the providing of fittings) are hereby transferred to the Commission, with this addition 30 that the Commission may, if they think fit, defray the expense of providing fittings for reception of constant supply in cases of houses whereof the rental is less than pounds a year, without requiring payment thereof by the occupiers or owners of those 35 houses.

(5.) Sections eleven and thirteen (relating to powers of the Board of Trade over companies) shall not apply to the Commission.

(6.) The Commission shall act under section fourteen (relating 40 to constant supply by means of stand-pipes or other

A.D. 1875.

- apparatus to groups of dwelling-houses in courts or passages, and in other cases) without the interposition of the Board of Trade, and with this addition, that the Commission may, if they think fit, defray the expense of providing the stand-pipes or other apparatus in cases of groups of dwelling-houses, whereof the average rental is less than ~~one hundred~~ pounds a year, without requiring payment thereof by the owners of the dwelling-houses.
- 10 (7.) Section sixteen (relating to penalties) and sections eighteen and twenty-two (relating to regulations) and sections twenty-seven and thirty (relating to fittings) shall operate as if no authority were therein conferred on the Board of Trade.
- 15 (8.) With respect to sub-section (6) of section thirty-four the expense of the providing of fire-plugs as therein mentioned may, if and as far as the Commission think fit, be borne by the Commission instead of by the Metropolitan Board of Works.
- 20 (9.) Sections thirty-five, thirty-six, and thirty-eight to forty-two both inclusive (conferring authorities on the Board of Trade and on persons appointed by them to discharge various functions in relation to the companies) shall not apply to the Commission.
- 25 8. For purposes of capital expenditure the Commission may from time to time borrow and re-borrow at interest (subject to charges existing at the transfer) on the security of their income sums not exceeding in the whole at one time ~~one hundred~~ thousand pounds, and may mortgage their income to secure repayment thereof with interest accordingly.
- 30 9. The Public Works Loan Commissioners may lend money to the Commission on the security of their income without other security.
10. The Commission shall keep separate accounts as follows :
- 35 First. Their income account, to which shall be carried their receipts from water-rents, and other their receipts in the nature of income :
- Secondly. Their capital account, to which shall be carried all capital money transferred to them on the transfer and all money received by them from borrowing or from sale of property.
- 40 [86.]

Power to borrow for capital expenditure.

Loans by Public Works Loan Commissioners.

Accounts of the Commission.

A.D. 1875.

Application
of income.

11. The Commission shall apply the money from time to time standing to the credit of their income account in the manner and in the order following, and not otherwise :

(1.) In paying their current establishment and working expenses.

(2.) In paying half-year by half-year, or otherwise as occasion requires, the interest, instalments, and sums of money from time to time accruing due and payable under the mortgages of each Company or of the Commission, and in providing any sinking fund required for payment off of money borrowed. 5

(3.) In paying half-year by half-year, or otherwise as occasion requires, the annuities payable by the Commission under this Act. 10

(4.) In carrying this Act into execution.

Application
of money on
capital
account.

12. The Commission shall apply the money received by them on capital account in the execution of those purposes of this Act the expense whereof is properly chargeable to capital. 15

Annuities to Shareholders.

Considera-
tion for
transfer
to be an-
nuities.

13. In consideration of the transfer the Commission shall provide for each shareholder of each Company a perpetual annuity equal in amount to the annual dividend paid to him on the average of *five* complete years next before the transfer, or if his shares have not been issued *five* complete years, then on the average of the years for which they have been issued. 20

Where shares have been issued on the terms of their not bearing full dividend until the expiration of a certain time after issue, it shall be considered that when that time expires they would bear the same average dividend as the class of shares of which they would then form part, and the shareholders shall receive in respect thereof annuities accordingly, subject to the deduction of a reasonable amount, to be agreed or settled by arbitration, in respect of the period during which those shares would continue not to bear full dividend. 25 30

In the calculation of annuities for the shareholders of the New River Company regard shall be had only to so much of their dividend as has arisen from those classes of profit which are brought into their accounts audited by the auditor appointed by the Board of Trade. 35

Conditions
of annuities.

14. The Commission shall issue to each shareholder on demand and delivery of his share certificate, or proof of its loss, and without charge, a certificate of his annuity. 40

The provisions of The Companies Clauses Consolidation Act, A.D. 1875.
 1845, with respect to the distribution of capital into shares, and
 to the transfer or transmission of shares shall be incorporated with
 this Act, and shall apply to the Commission, and to the annuitants
 5 as if within those provisions the Commission were a company, and
 the annuities and annuitants were shares and shareholders in the
 capital of that Company.

The annuities shall to all intents (subject to any special arrange-
 ment in this behalf to be made by the Commission with the New
 10 River Company) be substituted for and represent the shares in the
 capital of each company, and shall be held and go on with and
 subject to the like trusts, powers, and liabilities, as those on, with,
 and subject to which the shares would have gone, and so as to give
 effect to and not to defeat any testamentary disposition.

15 *General Provisions respecting Companies.*

15. After the declaration of transfer is served by the Commission Closing of
capital
account of
Company.
 on a Company it shall not be lawful for the Company to create or
 issue any share or loan capital except with the consent of the
 Commission.

20 16. The directors of a Company may exercise all powers neces- Winding up
and disso-
lution of
Company.
 sary or proper for winding up the Company's affairs, and as soon
 as the same are wound up the directors, or three of them, may
 certify the same in writing under their hands, and publish the
 certificate in the London Gazette, and thereupon the Company
 25 shall be by virtue of this Act dissolved.

17. All debts of a Company (including their mortgage debt) Payment of
Company's
debts, &c.
 according to their priorities, and all rents, rates, annuities, charges,
 liabilities, contracts, actions and suits, and causes of action or suit,
 which at the transfer are due or payable by or binding on or
 30 pending or existing against the Company, shall be paid, discharged,
 carried into effect, settled, and satisfied by the Commission.

18. Any action or suit or cause of action or suit pending or Pending
actions, &c.
 existing at the transfer on behalf or in favour of or against a
 Company shall not abate or be discontinued or be prejudicially
 35 affected by or by reason of the transfer, and the same may be con-
 tinued, prosecuted, and enforced against the Commission as and
 when it might have been continued, prosecuted, or enforced against
 the Company if the transfer had not been made, but not further
 or otherwise.

A.D. 1875.

Allowances
to directors.

19. The chairman, deputy chairman, and each director of a Company shall be entitled to receive from the Commission, at his option, either a sum of money equal to his aggregate emoluments during the *four* years next before the transfer, or an annuity for *five* years, if he so long lives, equal to the annual amount of his 5 emoluments, on the average of the *three* years next before the transfer.

Allowances
to officers not
continued.

20. Every officer of a Company not continued in the service of the Commission shall be entitled to receive from them during his life an annuity payable quarterly from the time of the transfer, 10 as follows :

If he has been in service *twenty* years his annuity shall, at his option, be equal to *two thirds* of the annual emoluments of his office or employment at the time of the transfer, or be equal to the amount of those annual emoluments on the average of *six* 15 years next before the transfer.

If he has been in service above *twenty* years his annuity, calculated as aforesaid, shall be increased by *one fiftieth* part thereof for every complete year above *twenty*, but not above *thirty-five*. 20

If he has been in service under *twenty* years his annuity, calculated as aforesaid, shall be diminished by *one twentieth* part for every complete year under *twenty*.

Provision
respecting
officers con-
tinued.

21. Every officer continued in the service of the Commission shall be entitled to receive from them, at his option, either annual 25 emoluments not less than his annual emoluments at the time of the transfer, or annual emoluments equal in amount to his annual emoluments on an average of *six* years next before the transfer.

If in any case it appears to the Commission that any officer continued in their service has rendered special services to the Company 30 whose officer he was at the time of the transfer, they may, if they think fit, allow to him emoluments exceeding to such extent as they think reasonable either of the amounts aforesaid.

If at any time after the transfer the duties of any officer continued in the service of the Commission are increased, he shall be 35 entitled to receive from the Commission additional emoluments of an amount to be agreed.

If at any time after the transfer the services of any officer continued in the service of the Commission are dispensed with by them, or he gives notice of his intention to retire from their service, 40 he shall be entitled to receive from them the like annuity as if he

had not been continued in their service, but according to his whole time of service. A.D. 1875.

22. The time of service of an officer shall be reckoned from the time of his original appointment to be an officer of any Metropolitan Water Company, or of any Company amalgamated therewith, until the time of the transfer or until the time of the cesser of his service, in case he is continued in the service of the Commission.

Commence-
ment of
service.

23. Any annuity to which an officer is entitled may, with his consent, be at any time compounded for by the Commission by a capital payment.

Composition
for annuity.

24. The Commission may, if they think fit, give to a weekly servant of a Company who is not employed by the Commission a gratuity not exceeding a sum equal to the aggregate amount of his pay for the *three* months next before the transfer.

Gratuity to
weekly ser-
vants.

15 *Control of Treasury.*

25. In the execution of the provisions of this Act relating to allowances to directors, officers, and servants, the Commission shall act under the direction of the Treasury.

Authority of
Treasury
over allow-
ances to
directors,
audit, &c.

The accounts of the Commission shall be audited as the Treasury direct.

Miscellaneous.

26. Every arbitration under this Act shall be subject to the provisions of The Common Law Procedure Act, 1854.

Regulation
of arbitra-
tions.

27. The forms in the second schedule to this Act, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and subject and according to the directions therein contained.

Forms in
schedule.

28. The costs, charges, and expenses of the preparing, obtaining, and passing of this Act and of any Order in Council under this Act shall be paid by the Commission.

Expenses of
Act.

A.D. 1875.

S C H E D U L E S.

THE FIRST SCHEDULE.

THE METROPOLITAN WATER COMPANIES.

1. The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly and in the foregoing Act called the New River Company. 5
2. The Company of Proprietors of the East London Waterworks.
3. The Southwark and Vauxhall Water Company.
4. The West Middlesex Waterworks Company. |
5. The Lambeth Waterworks Company. 10
6. The Governor and Company of Chelsea Waterworks.
7. The Grand Junction Waterworks Company.
8. The Company of Proprietors of the Kent Waterworks.

THE SECOND SCHEDULE.

FORMS.

15

A.

Declaration of Transfer.

B.

A.D. 1875.

Certificate of Annuity.

DIRECTIONS.—(1.) A certificate may by agreement comprise any number of annuities. (2.) The certificate shall state the commencement of the annuity.

C.

Warrant for Payment of Instalment of Annuity.

A.D. 1875.

D.

Transfer of Annuity.

Metropolis Water Supply and Fire Prevention.

A

B I L L

For making more effectual provision
for a constant Supply of Water, and
for the protection of Life and Pro-
perty against Fire in the Metropolis.

(*Prepared and brought in by*
Colonel Beresford, Sir Charles Russell,
Mr. Forsyth, and Mr. Ritchie.)

Ordered, by The House of Commons, to be Printed,
5 March 1875.

[Bill 86.]

Under 2 oz.

Metropolitan Board of Works (Loans) Bill.

N O T E.

THE following tables will enable a comparison to be made between the rateable value of the metropolis and the liabilities of the Metropolitan Board of Works.

TABLE I.—MONEY RAISED BY THE METROPOLITAN BOARD OF WORKS SINCE 1856, THE YEAR IN WHICH THE METROPOLIS LOCAL MANAGEMENT ACT CAME INTO OPERATION, AND NET DEBT OF THE BOARD ON 31ST DECEMBER 1874.

	£
5 For discharge of loans of former commissioners of sewers - -	275,000
„ main drainage and main sewers - - - -	5,312,000
„ Victoria, Albert, and Chelsea Embankments, and Queen Victoria Street - - - -	4,271,270
„ Charing Cross and Victoria Embankment Approach - -	616,750
10 „ Street improvements under special Acts of Parliament -	2,841,568
„ Local and minor improvements under general Act - -	278,392
„ Finsbury Park, Southwark Park, Hampstead Heath, Victoria Park (additional land), Blackheath, Shepherd's Bush, and other commons and open spaces - - - -	323,900
15 „ Fire brigade stations and plant - - - -	115,000
„ Loans to the managers of the metropolitan asylums district -	600,000
„ Loans to the school board for London and other local authorities	396,533
„ Government stamp duty and other costs in raising loans -	33,627
Amount not yet applied, but applicable to some of the foregoing	
20 purposes - - - - -	366,260
	<hr/>
	£15,430,300
Debt repaid :	
(a.) Before the passing of the Loans Act of 1869 - - - -	2,010,539
25 (b.) Since that date (for further details, see Table V.) - - - -	1,373,548
	<hr/>
	3,384,087
	<hr/>
Gross debt outstanding on 31st December 1874 :	
Consolidated stock - - - -	7,520,044
30 Old liabilities - - - -	4,526,169
	<hr/>
	12,046,213
Deduct :	
Loans advanced by the board, and outstanding -	872,074
Surplus land and property, as estimated -	1,594,444
35 Investments, in Government stock, of money applicable to redemption of debt - -	140,228
	<hr/>
	2,606,746
	<hr/>
Net debt outstanding on 31st December 1874 - - -	<u>£9,439,467</u>

TABLE II.—UNEXHAUSTED BORROWING POWERS OF THE BOARD.

Act conferring Borrowing Power.	Purpose of borrowing.	Amount of unexhausted Borrowing Power.	
		£ s. d.	
The Metropolitan Board of Works (Loans) Act, 1869 (32 & 33 Vict. c. 102.).	Works under the Board's General Improvement, Main Drainage, Fire Brigade, and Embankment Acts.	440,018 14 10	5
The Tramways Act, 1870 (33 & 34 Vict. c. 78.)	} Tramways - - - - - {	300,000 0 0	10
The Metropolitan Street Improvements Act, 1872 (35 & 36 Vict. c. clxiii.).		Stock.	
	New streets as specified in the Act	783,020 0 0	
The Kew and other Bridges Act, 1869 (Amendment) Act, 1874 (37 & 38 Vict. c. xxi.).	Loan to Joint Committee of Board and Corporation of City for freeing certain Bridges from Toll.	50,000 0 0	15
The Metropolitan Board of Works Act, 1874 (37 & 38 Vict. c. xcvii.).	Loan to South Hornsey Local Board	942 0 0	
	{ Contribution towards completing the Inner Circle Railway and forming a street in the City.	370,000 0 0	20
The Metropolitan Inner Circle Completion Act, 1874 (37 & 38 Vict. c. excix.).		130,000 0 0	
	Loan to Commissioners of Sewers of City for contribution to same object.		

The following are unexhausted borrowing powers having purposes, but 25 not limits, specified :—

Act conferring Borrowing Power.	Purpose of borrowing.	Further Amount (estimated) required to be borrowed.	
		£ s. d.	
The Elementary Education Act, 1870 (33 & 34 Vict. c. 75.).	Loans to the School Board for London.	Uncertain.	
The Metropolitan Board of Works (Loans) Act, 1871 (34 & 35 Vict. c. 47.).	Loans to vestries and district boards.	Nil.	35
The Metropolitan Commons Supplemental Act, 1871 (34 & 35 Vict. c. lvii.).	Blackheath - - - - -	1,000 0 0	40
The Metropolitan Commons Second Supplemental Act, 1871 (34 & 35 Vict. c. lxiii.).	Shepherd's Bush - - - - -		
The Metropolitan Commons Supplemental Act, 1872 (35 & 36 Vict. c. xliii.).	Hackney Commons - - - - -		
The Hornsey Local Board Act, 1871 (34 & 35 Vict. c. cxxix.).	Loans to Hornsey Local Board	Nil.	
The Charing Cross and Victoria Embankment Approach Act, 1873 (36 & 37 Vict. c. c.).	Charing Cross and Victoria Embankment Approach.	Uncertain.	45
The Beckenham Sewerage Act, 1873 (36 & 37 Vict. c. ccxviii.).	Loans for Beckenham Sewerage	Nil.	
The Leicester Square Act, 1874 (37 & 38 Vict. c. x.).	Leicester Square.	Nil.	50
The Metropolitan Board of Works Act, 1874 (37 & 38 Vict. c. xcvii.).	New Road, Finsbury Park -	10,000 0 0	
	Total (approximately) -	£2,084,980 14 10	

TABLE III.—RATING OF METROPOLIS.

A.D. 1875.

	Year.	Rateable Annual Value of Property.	Rate in Pound levied by Board.
		£	d.
5	1856	11,283,663	2·09
	1857	11,290,869	1·86
	1858	12,031,151	2·13
	1859	12,045,476	4·3
	1860	12,057,455	5·38
10	1861	12,450,416	5·32
	1862	12,514,053	5·2
	1863	12,569,969	5·53
	1864	12,588,661	6·12
	1865	14,419,823	5·22
15	1866	14,524,542	6·32
	1867	15,261,999	6·99
	1868	16,196,547	6·09
	1869	16,257,643	6·04
	1870	18,719,237	5·1
20	1871	18,683,288	3·31
	1872	19,971,281	2·68
	1873	20,287,709	2·74
	1874	20,549,011	4·42
	1875	20,886,946	5·26
25		Estimated.	Estimated.
	1876	21,000,000	5·25

TABLE IV.—RATING OF THE METROPOLIS IN 1875 IN RESPECT OF DEBT.

		£
30	The total charge for interest and redemption of capital is - -	636,452
	Towards which coal and wine duties, interest receivable from local authorities and rents of land and premises on the various lines of improvements not yet disposed of, amount to - -	329,314
	Net charge of debt on rates - - - -	307,138
35	or equivalent to a charge on the rates of 3·52 <i>d.</i> in the pound.	

For every 100,000*l.* by which the debt is increased, the additional charge on the rates will amount to 0·06*d.* in the pound, unless counterbalanced by the increase of the rateable annual value.

TABLE V.—REDEMPTION OF DEBT SINCE THE PASSING OF THE LOANS
ACT OF 1869.

ACCOUNT of SUMS received into the Consolidated Loans Fund from 9th August 1869
(the date of the Loans Act of 1869) to 31st December 1874, and applicable to the
Redemption of Debt. 5

<i>Receipts.</i>			<i>Disbursements.</i>		
	£	s. d.		£	s. d.
From sales of property, various improve- ments - - - -	610,056	9 0	Applied to repay- ment of debt -	1,373,547	17 3
From accrued balance of mortgage debt sinking fund - - -	152,600	0 0			10
From precept account, amounts raised for redemption of debt:			Invested in Govern- ment stock -	132,430	0 2
	£	s. d.			
1869-70 (half year)	54,418	0 0			
1870-71 - -	108,835	0 0			15
1871 (3 quarters)	107,231	0 10			
1872 - - -	109,754	3 11			
1873 - - -	112,790	18 3			
1874 - - -	143,040	19 2			
	636,070	2 2			20
From sundry boards, in repayment of loans advanced out of Metropolitan Consolidated Stock - - -	85,760	14 2			
From local boards, on admission into main drainage system - -	11,250	0 0			25
	1,495,737	5 4			
Balance applied more than received -	10,240	12 1			
	£1,505,977	17 5		£1,505,977	17 5

Metropolitan Board of Works (Loans) Bill.

ARRANGEMENT OF CLAUSES.

Clause

1. Short title and construction.
 2. Power for Board to expend for general improvements and contributions.
 3. Power for Board to expend for fire brigade purposes.
 4. Power for Board to lend to vestry or district board.
 5. Power for Board to lend to board of guardians.
 6. Power for Board to lend to corporation, burial board, &c.
 7. Extension of amount of loans by Board for Metropolitan Asylum District.
 8. Power for Board to expend for incidental charges on consolidated stock.
 9. Alteration of limitation of borrowing power.
 10. Repayments to go to consolidated loans fund.
 11. Saving for past and pending loans.
 12. Future loan Bills to have tables of information accompanying.
 13. Returns respecting money raised and valuation, liabilities, &c. of parishes and other districts.
 14. Power for Board to require returns from bodies borrowing.
 15. Fee of auditor of Board's accounts.
-

A
B I L L

FOR

Further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes. A.D. 1875.

WHEREAS it is expedient that the raising of money by the Metropolitan Board of Works for the following purposes :

(a.) Expenditure by them for general improvements and contributions ;

5 (b.) Fire brigade purposes ;

(c.) Loans to vestries and district boards and boards of guardians and some other bodies ;

be regulated, and that provision be made requiring that the borrowing powers granted to the Board by Parliament should for the future be
10 limited both in time and in amount, and that in some other respects powers and provisions of and relating to the Board be extended or modified :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1875. Short title and construction.

This Act shall be read and have effect as one with The Metropolitan Board of Works (Loans) Acts, 1869 to 1871.
20

2. The Board may, from time to time, up to the *thirty-first* day of *December one thousand eight hundred and seventy-seven*, expend under section one hundred and forty-four of The Metropolis Management Act, 1855, and section seventy-two of The Metropolis Management Amendment Act, 1862, such money as they think
25 fit, as follows :

(1.) In making, widening, or improving any streets, roads, or ways, for facilitating the passage and traffic between

[237.]

B

Power for Board to expend for general improvements and contributions.

A.D. 1875.

different parts of the metropolis, or contributing and joining with any persons in any such improvements, and in taking any land, rights in land, or property for the purposes aforesaid, or otherwise for the improvement of the metropolis, or in making such applications as therein 5 mentioned :

- (2.) In contributing and joining with a vestry or district board constituted under The Metropolis Management Act, 1855, in making, extending, widening, altering, or improving any street, road, or way, or any bridge over a canal travers- 10 ing any part of the parish or district of the vestry or district board, for the purpose of facilitating passage and traffic, or for any other public purpose.

The aggregate amount expended by the Board under this section shall not exceed *one hundred and fifty* thousand pounds. 15

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Power for
Board to
expend for
fire brigade
purposes.

3. The Board may, from time to time, up to the *thirty-first* day of *December one thousand eight hundred and seventy-seven*, expend in providing station-houses, fire-engines, fire-escapes, and permanent 20 plant for purposes of The Fire Brigade Act, 1865, such money as they think fit not exceeding *fifteen* thousand pounds.

The Board, in order to raise money for purposes of this section, may, from time to time, create consolidated stock.

The Board shall from time to time carry to the consolidated loans 25 fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within *thirty* years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for
Board to lend
to vestry or
district board.

4. Where a vestry or district board constituted under The 30 Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient, that the repayment of the money to be borrowed 35 shall be spread over a series of years, then from time to time, up to the *thirty-first* day of *December one thousand eight hundred and seventy-seven*, the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit and as the vestry or district board are 40 authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed *one hundred and fifty* thousand pounds. A.D. 1875.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

5 Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or
10 bridges, or for the purpose of purchase of land in fee simple, *sixty* years, and for any other purpose *thirty* years.

In case of a loan required to be for not exceeding *thirty* years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion,
15 sufficient to redeem, within the period for which the loan is made, not exceeding *thirty* years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

After the passing of this Act no money shall be lent by the Board
20 to a vestry or district board under section ten of The Metropolitan Board of Works (Loans) Act, 1871.

5. Where a board of guardians of a union or parish, wholly or for the greater part in the metropolis, as defined in The Metropolis Management Act, 1855, desire, in pursuance of authority vested
25 in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient, that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the *thirty-first* day of
30 December *one thousand eight hundred and seventy-seven*, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit and as the board of guardians are authorized and desire to borrow.

Power for Board to lend to board of guardians.

The aggregate amount lent by the Board under this section shall
35 not exceed *one hundred and fifty* thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within
40 such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding *thirty* years.

A.D. 1875.

The Board shall from time to time carry to the consolidated loan fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding *thirty* years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to 5 that so created.

Power for
Board to lend
to corpora-
tion, burial
board, &c.

6. Where any corporation, body of commissioners, burial board, or other public body, having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in The Metropolis Management Act, 1855, or to make charges on rates 10 leviable in the metropolis, as so defined, or to take within the metropolis, as so defined, dues or impositions in the nature of rates, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board 15 and to the Treasury expedient, that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or 20 other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorized and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed *fifty* thousand pounds. 25

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing, as the Board and the borrowers, with 30 the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, *sixty* years, and for any other purpose *thirty* years.

In case of a loan required to be for not exceeding *thirty* years, 35 the Board shall, from time to time, carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding *thirty* years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to 40 that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the School Board for London. A.D. 1875.

7. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-seven*, lend to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorized by section thirty-seven of The Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorized by section seventeen of The Metropolitan Board of Works (Loans) Act, 1871, such sums as the managers are from time to time authorized by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole *one hundred* thousand pounds; and the first-mentioned section shall be construed as if *seven hundred* thousand pounds were therein substituted for five hundred thousand pounds.

Extension of amount of loans by Board for Metropolitan Asylum District.

8. The Board may from time to time expend for composition for stamp duty, charges payable to the Bank of England, costs of advertising, brokers commission, and other expenses incidental to the raising of money by consolidated stock, such amount as they require for that purpose, and as the Treasury approve, and in order to raise the same may from time to time create consolidated stock.

Power for Board to expend for incidental charges on consolidated stock.

9. The limitation on the borrowing power of the Board contained in section thirty-eight of The Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Alteration of limitation of borrowing power.

10. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

Repayments to go to consolidated loans fund.

11. Nothing in this Act shall affect any loan made by the Board before the passing of this Act, or any loan made by the Board after the passing of this Act, in pursuance of a resolution of the Board, passed before the passing of this Act.

Saving for past and pending loans.

12. Where the Board are desirous of obtaining a further Act empowering them to raise money, they shall cause the Bill for the same, as proposed to be submitted to Parliament, to be accompanied with tables giving such information as the Treasury require for the purpose of enabling a comparison to be made between the rateable value of the Metropolis and the liabilities of the Board.

Future loan Bills to have tables of information accompanying.

A.D. 1875.

Returns re-
specting
money raised
and valua-
tion, liabili-
ties, &c. of
parishes and
other dis-
tricts.

13. The Board shall every year frame and deliver to the Treasury returns shewing—

- i. All money raised by the Board under this or any further Act for purposes mentioned in this Act ;
- ii. In relation to every parish, district, union, or place in respect 5
whereof a loan is obtained from the Board under this Act or
any further Act ;
 - (1.) the annual rateable value of the property therein ;
 - (2.) as nearly as may be, the actual indebtedness of each
parish, district, union, or place in respect of loans 10
previously contracted.

The Treasury shall cause every such return to be laid before both Houses of Parliament.

Power for
Board to
require re-
turns from
bodies
borrowing.

14. Where application for a loan is made to the Board by any body to which the Board are authorized by this or any other Act to 15
lend money, the Board may, as a condition precedent to the making
of the loan, and to the payment from time to time of any money as
part thereof, require that body to frame and deliver to the Board
from time to time returns giving, in relation to the parish, district,
union, or place, in respect whereof the loan is applied for, such 20
information respecting the financial condition of the body applying
as the Board think expedient.

Fee of
auditor of
Board's
accounts.

15. The auditor of the accounts of the Board shall be paid by the Board a fee of such amount not exceeding one hundred guineas
(including any expenses that he is put to in the audit) as the 25
Treasury in each case direct.

Metropolitan Board of
Works (Loans).

A

B I L L

For further amending the Acts relating
to the raising of Money by the Metro-
politan Board of Works, and for other
purposes.

(Prepared and brought in by
Mr. William Henry Smith and Mr. Chancellor
of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
5 July 1875.*

[Bill 237.]

Under 2 oz.

A
B I L L

TO

Amend the Law respecting the Superannuation Allowances
of certain Officers of the Staff of the Metropolitan Police. A.D. 1875.

WHEREAS by section twenty-one of the Act of the session of 2 & 3 Vict.
c. 47. s. 21.
the second and third years of the reign of Her present
Majesty, chapter forty-seven, intituled “An Act for further im-
“ proving the Police in and near the Metropolis,” it is enacted that
5 the surgeon and clerks employed in the Metropolitan Police Office
are within the provisions of the Act of the session of the fourth and
fifth years of the reign of King William the Fourth, chapter twenty- 4 & 5 W. 4.
c. 24.
four, (in this Act referred to as “The Superannuation Act, 1834”):

And whereas doubts have arisen with respect to the application
10 of the Superannuation Act, 1859, to the said surgeon and clerks, 22 Vict. c. 26.
and to the surveyors and other officers who are employed under
the Commissioner of Police of the Metropolis or the Receiver
for the Metropolitan Police District, and are not constables, and
whose salaries are defrayed as part of the expenses of the Metro-
15 politan Police Force, and not out of moneys provided by Parliament
for the purpose; and it is expedient to provide for the superannua-
tion of the said surgeon, clerks, surveyors, and officers:

Be it therefore enacted by the Queen’s most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
20 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:

1. One of Her Majesty’s Principal Secretaries of State (herein-after
referred to as the Secretary of State) may, as soon as conveniently
may be after the passing of this Act, by order make regulations
25 respecting the grant to the officers of the staff of the Metropolitan
Police mentioned in the Schedule to this Act of superannuation
allowances, compensations, gratuities, or other allowances, on the
like principles and conditions as are in force at the passing of this
Act with respect to persons in the permanent civil service of the
[Bill 172.]

Power of
Secretary of
State to make
regulations
as to super-
annuation for
officers of
staff of
Metropolitan
Police in

A.D. 1875.

accordance
with the
principles
applicable
to Civil
Service.
See
4 & 5 W. 4.
c. 24. and
22 Vict.
c. 26.

State, with power to provide for the case of any such officer transferred to or from any office or employment remunerated out of any moneys raised in any part of Her Majesty's dominions by taxes or rates, penalties or fines, or any moneys applicable in aid or reduction of taxes or rates, or out of other public revenue in any part of 5 Her Majesty's dominions, or any public office or employment in any part of Her Majesty's dominions remunerated by way of fees or otherwise.

A copy of the order proposed to be made in pursuance of this section shall be laid before both Houses of Parliament, and shall 10 not be finally made by the Secretary of State until it has lain for not less than forty days before Parliament, but such order when finally made by the Secretary of State shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

Power to
grant super-
annuation
allowances,
&c.

2. The Secretary of State may, under the circumstances authorised by the regulations under this Act, grant if he think fit to any of the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act a superannuation allowance, compensation, gratuity, or other allowance, in accordance with the 20 said regulations.

Every such grant shall be specified in the annual report laid before Parliament with respect to the Metropolitan Police, and shall state the special reasons (if any) for such grant.

Fund for
payment of
superannua-
tion allow-
ances past
and future.

3. Every superannuation allowance which has been granted 25 before the passing of this Act to any of the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act, shall continue to be payable to such officer; and every such superannuation allowance, and every superannuation allowance, compensation, gratuity, or other allowance, which may be granted to any 30 such officer after the passing of this Act, shall be deemed to be part of the expenses of the Metropolitan Police Force, within the meaning of the Police Rate Act, 1868, and shall be defrayed accordingly.

31 & 32 Vict.
c. 67.

Repeal of
2 & 3 Vict.
c. 47. s. 21.

4. Section twenty-one above recited of the Act of the session 35 of the second and third years of the reign of Her present Majesty, chapter forty-seven, intituled "An Act for further improving the "Police in and near the Metropolis," is hereby repealed, without prejudice to anything duly done or suffered or any right acquired or accrued under the said section.

40

Short title.

5. This Act may be cited as The Metropolitan Police Staff (Superannuation) Act, 1875.

SCHEDULE.

OFFICERS OF STAFF OF METROPOLITAN POLICE TO WHOM ACT
APPLIES.

- 5 Every person who has been employed, whether before or after the passing of this Act, under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and is not a constable, and whose salary has been paid as part of the expenses of the Metropolitan Police Force.

Metropolitan Police
(Surgeon, Clerk, &c.
Superannuation).

A

B I L L

To amend the Law respecting the
Superannuation Allowances of certain
Officers of the Staff of the Metro-
politan Police.

(Prepared and brought in by
Sir Henry Selwin-Ibbetson and
Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
13 May 1875.

[Bill 172.]

Under 1 oz.

Military Manœuvres Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

Regulations as to the forces.

2. Passage of forces over lands.
3. Lands closed against passage of forces.
4. Compensation for damage done by forces.
5. Commission for making regulations as to water to be taken by forces.
6. Mode of determining the compensation payable in respect of damage by passage of forces.

Regulations as to persons not belonging to the forces, and

Miscellaneous.

7. Offences against Act.
8. Constables to be appointed for repression of offences against Act.
9. Justices to be appointed for punishment of offences against Act.
10. Evidence of orders and regulations.

Definitions.

11. Definitions.

Duration of Act.

12. Time during which Act is to remain in force.
-

A

B I L L

FOR

Making provision for facilitating the Manœuvres of Troops to be assembled during the present Summer. A.D. 1875.

WHEREAS it is intended that during the present summer a large body of troops should be assembled for the purposes of military instruction within the area described in the schedule hereto, which area is herein-after referred to as the limits of this Act:

5 And whereas it is expedient that provision should be made for facilitating the exercise of the said troops, and for making compensation to persons whose lands may be damaged by the passage of such troops, and for other purposes connected with such assemblage of troops:

10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the "Military Short title.
15 Manœuvres Act, 1875."

Regulations as to the forces.

2. Within the limits of this Act the forces to which this Act applies, in this Act referred to as "the forces," with their arms, munitions of war, and stores, may pass over any unenclosed or any
20 authorised enclosed lands, whether public or private, and may execute military manœuvres on such lands. They may also encamp on any unenclosed lands, and for the purpose of any encampment, or for military exercises, dig trenches and throw up temporary field works on any such lands. The forces may supply themselves with water
25 from any authorised sources of water, and may, for the purpose of obtaining such supply, dam up any running water, use any private or occupation roads, and do all such other acts and things as may be required.

Passage of
forces over
lands.

A.D. 1875.

Lands closed
against
passage of
forces.

3. Nothing in this Act contained shall empower the forces to enter upon or interfere with any dwelling-house, farmyard, garden, orchard, pleasure ground, nursery ground, park, or any premises enclosed within the curtilage of or attached to any dwelling-house, or any lands bearing roots or standing crops, or any underwoods, or 5 any enclosed lands, except enclosed lands which may be declared to be lands on which the forces are authorised to enter, in this Act referred to as authorised enclosed lands.

Compensa-
tion for
damage done
by forces.

4. *Full compensation shall be made, out of moneys to be provided by Parliament, for any damage that may be caused to any 10 lands within the limits of this Act, by or in consequence of the forces, or the strangers accompanying such forces, passing over or occupying such lands; and the amount of compensation payable to any person entitled to such compensation shall, if disputed, in each case of damage be determined as herein-after mentioned; but 15 no person belonging to the forces shall be liable to any action, suit, indictment, or other legal proceeding in respect of any trespass committed by him upon or damage done to land situate within the limits of this Act.*

Commission
for making
regulations
as to water
to be taken
by forces.

5. A commission shall be formed, consisting of the Lords Lieu- 20 tenant of the respective counties of Berks, Hants, and Surrey, and the members representing in this present Parliament the county of Berks, the Northern Division of the county of Hants, and the Western Division of the county of Surrey, respectively; and one of Her Majesty's Principal Secretaries of State may from time to time, 25 by writing under his hand, add to their number, or fill up any vacancy occasioned in their number by the death, resignation, or unwillingness to act of any member of such commission. The commission shall make such rules as to their places and times of meeting, their quorum at meetings, and their modes of procedure, as 30 they think fit. Every question shall be decided by a majority of the votes of the members of the commission voting on that question.

The officer in command of the forces, and the said commission in this Act called the consultative commission, shall from time to time by order authorise anything by this Act directed or permitted to be 35 authorised, and in particular declare what enclosed lands are to be deemed to be authorised lands for the purposes of this Act, and what sources of water are to be deemed authorised sources of water. The said officer and commission may also by order make regulations with respect to the protection of cattle and sheep by securing the same in 40 folds or farmyards, and with respect to any other matter or thing which they may deem essential for the purpose of preventing damage to property and for the more efficiently carrying into effect the purposes of this Act.

Public notice shall be given, in such manner as may be directed by the consultative commission, of any regulation made in pursuance of this Act for the protection of any cattle, sheep, or other property, and no person who neglects to comply with any regulations so made
5 in relation to his property shall be entitled to claim compensation in respect of any damage caused to such property in consequence of his having been guilty of such neglect as aforesaid.

The consultative commission may from time to time delegate any of the powers by this Act given to them to any committee or com-
10 mittees consisting of two or more of their number, and any such committee or committees shall from time to time attend upon and be in communication with the officer commanding the forces, or any officer or officers deputed by him, during the time such forces are assembled in pursuance of this Act.

15 Any powers by this Act given to the consultative commission and the officer in command of the forces of making any order or doing any other act or thing may be exercised on behalf of the commission by any member or members of such commission to whom such powers may from time to time be delegated by the commission, and
20 on behalf of the officer in command of the forces by any officer or officers from time to time deputed by him for the purpose; and for the purpose of facilitating the exercise of the powers conferred by this Act on such commission and officer in command, the said commission and officer shall make arrangements for securing the attend-
25 ance of a sufficient number of members of the said commission at such places and with such bodies of troops as may be agreed upon, with the view of the members so in attendance acting for the purposes of this section in conjunction with the officer in command of the forces or any officers deputed by him.

30 Any order made in pursuance of this Act in relation to lands or any local matter may describe such lands or matter by reference to a map or in any other convenient manner, and any order declaring what lands are to be deemed authorised enclosed lands may either describe the lands so authorised, or may declare all the lands within
35 the limits of this Act, or within any particular area with the specified exceptions, to be authorised enclosed lands. Any order declaring what sources of water are to be deemed authorised sources of water may either describe the sources so authorised, or may declare all the sources of water within the limits of this Act or
40 any part thereof, with the specified exceptions, to be authorised sources of water.

Any order made under this Act may be altered or amended, or a new order made in lieu thereof.

A.D. 1875.

Mode of
determining
the compen-
sation pay-
able in
respect of
damage by
passage of
forces.

6. The following enactments shall be made with respect to compensation for damage under this Act :

- (1.) The Commissioners of the Treasury shall appoint a fit person, in this Act called the compensation officer, whose duty it shall be, immediately the forces have ceased to occupy or 5 pass over any part of the land within the limits of this Act, to ascertain the damage done, and to receive and settle summarily, and as far as practicable, by agreement, the amount of compensation, in which case the compensation officer shall either cause the compensation to be paid at 10 once, or shall give a writing to the person entitled, stating the amount to be paid, and the place and date at which the same will be paid, such date not being later than thirty days from the time at which such writing is given :
- (2.) The mode in which claims of compensation are to be sent 15 to the compensation officer shall be notified within the limits of the Act in manner directed by the consultative commission. Every claim for compensation shall be sent to the compensation officer immediately after the forces have ceased to occupy or pass over the land in respect of 20 which compensation is claimed, and at the latest within one week after the damage done :
- (3.) Compensation may be paid to the person in actual occupation of the land in respect of which it is claimed, or, in case of his absence or inability, to his wife or some member of his 25 family, or to his steward, or other person acting for him in the cultivation and management of the land, whose receipt shall be a complete discharge for the damage in respect of which the compensation is paid :
- (4.) The Commissioners of the Treasury may, if they think fit, 30 appoint two or more persons to be compensation officers, and each of the persons so appointed shall perform the duties and have the powers by this Act conferred on the compensation officer :
- (5.) If the compensation officer fails to settle any claim for 35 compensation, or is unable to decide the person to whom compensation is payable, the case shall be referred by him to the court of arbitration established under this Act, with a statement by the compensation officer of what he considers a fair compensation for the damage 40 done :
- (6.) A court of arbitration shall, if required, be formed, consisting of three persons, one of whom shall be named by the consultative commission, in writing under the hands

A.D. 1875.

of any two or more of the members of that commission, one by the Commissioners of Her Majesty's Treasury, and the third by the two persons already named in writing under their hands, or, in case of their failure to agree as to such appointment within six days, by the chief justice of the Court of Queen's Bench :

(7.) Any vacancy in the office of any member of the court of arbitration occasioned by death, resignation, unwillingness to act, or otherwise, shall be filled up by the authority which appointed the vacating member in the same manner in which the vacating member was appointed :

(8.) *There shall be paid to the members of the court of arbitration such compensation as the said Secretary of State may, with the approval of the Treasury, determine :*

(9.) The court of arbitration shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purpose of awarding compensation under this Act, and in particular to decide in any case of alleged damage to lands whether such damage was or was not caused by or in consequence of the forces, or the strangers accompanying such forces, passing over or occupying such lands, and also (if such damage was so caused) to determine the person entitled to receive compensation for such damage ; and the court of arbitration shall not be subject to be restrained in the due execution of its powers by the order of any court, nor shall any proceedings before it be removed by certiorari into any court, nor shall any award by it be set aside :

(10.) The court of arbitration may examine witnesses on oath, and shall for that purpose have power to administer an oath, and with respect to the enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of books, papers, and documents, shall have all such powers, rights, and privileges as are vested in one of Her Majesty's superior courts of law for such or the like purposes :

(11.) The court of arbitration may hold its sittings at such times and places as it thinks expedient, and the decision of any two members of that court shall be deemed to be the decision of the court :

(12.) The court of arbitration may appoint a valuer, and may delegate to such valuer such powers of assessing compensation under this Act as it may think fit ; but an

A.D. 1875.

appeal may be had from his decision to the court of arbitration :

- (13.) The court of arbitration may examine the valuer as to the amount of compensation which in his opinion ought to be paid in any case of damage brought before it, and may 5 adopt or reject his opinion as it thinks just :
- (14.) The court of arbitration may review and rescind or vary any order or decision previously made by it; but, save as aforesaid, every order or decision of the said court shall be final :
- (15.) The court of arbitration shall publish in such manner as it 10 thinks fit directions as to the mode in which applications are to be made to it under this Act :
- (16.) The court of arbitration shall not be bound to hear any counsel or attorney, but any person claiming compensation may appear in person or by some agent authorised by him 15 in writing, and the court of arbitration may, in addition to compensation for damage, grant further compensation for costs reasonably incurred in substantiating a claim, or may refuse such costs wholly or partially, or reduce the amount of compensation if the person claiming refused a fair offer 20 from the compensation officer :
- (17.) Any person fraudulently claiming and receiving compensation to which he is not entitled shall be guilty of a fraud, and liable to be dealt with as if he had fraudulently received money under false pretences, and shall in addition 25 be liable to pay the money received to the person entitled thereto.

*Regulations as to persons not belonging to the forces, and
Miscellaneous.*

Offences
against Act.

7. If any stranger commits any trespass upon or does any 30 damage to any lands within the limits of this Act, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding forty shillings, in addition to making full compensation in money for any damage he may have caused.

Any stranger going on any lands within the limits of this Act 35 on which the public is not entitled by law to go without the permission of the officer in command of the forces, or of some officer deputed by him, shall be deemed to have committed a trespass on such lands, and be punishable accordingly.

If any stranger, not having such permission as aforesaid, when 40 warned not to go on any land, attempts to go thereon, or when on such land and warned to depart therefrom, refuses so to depart, he

shall, in addition to any other penalty to which he may be subject, be deemed guilty of an offence against this Act, and be liable to a penalty not exceeding forty shillings. He may also be prevented by force from going on, or be removed by force from, any such lands as
5 aforesaid.

For the purposes of this section, a warning not to go on lands or to depart from lands may be given by any sentinel or other person belonging to the forces, or by any constable, and in the case of enclosed lands every stranger not having such permission as afore-
10 said shall be deemed to have been warned not to go upon such lands, and be punishable accordingly.

Any constable may take possession of any horse or carriage with which any stranger is trespassing, and may remove the same from any lands on which it is found; and no compensation shall be
15 payable in respect of any damage which may accrue to any such horse or carriage by reason of such removal, which is not caused by the wilful act or neglect of the constable removing the same.

If any person without due authority moves any flag or other mark distinguishing any lands, or obstructs or interferes with the
20 movements of the forces, or cuts or damages any telegraph wire laid down by or for the use of forces, he shall be guilty of an offence against this Act, and be liable to a penalty not exceeding five pounds.

If any person, without the special permission in writing of the
25 officer in command of the forces, or of some officer deputed by him, enters on any lands for the time being directed to be kept clear, or within the lines of any encampment belonging to the forces, he shall be guilty of an offence against this Act, and be liable to a penalty not exceeding forty shillings; and may, if he refuses to go,
30 be removed by force from any lands on which he has so entered.

Any person charged with committing any offence against this Act may be taken into custody without warrant by any constable or person authorised to act as a constable, and may be detained until he can be brought before a special magistrate and be dealt
35 with according to law: Provided that no person shall be detained under the powers of this section without being brought before a special magistrate for more than six hours.

Any constable or person authorised by this Act to act as a constable using force in cases in which force is by this section per-
40 mitted to be used shall be indemnified from all consequences which may result from such user of force.

Any two justices of the peace belonging to the petty sessional division in which is situate any place where encampments or

A.D. 1875. manœuvres are about to take place, or any special magistrate accompanying a body of troops, may, upon the requisition of the superior officer commanding any body of troops forming part of the forces, and with the consent of the owner or occupier of land over which any footpaths or other rights of way (save turnpike, county, or parish roads) exist, temporarily close or divert the same; provided always, that the duration and limits of such stoppage or diversion shall be publicly declared by printed notices twelve hours previously.

The permission of the officer in command of the forces, or of some officer deputed by him, shall, for the purposes of this section, be signified by a document written or printed, or partly written and partly printed, and authenticated in such manner as may be directed by the said Secretary of State.

Constables to be appointed for repression of offences against Act.

8. The said Secretary of State, with the consent of the authority having power to dispose of the services of any constables, may, by order under his hand, appoint such constables, or any of them, to act as constables within the limits of this Act; and every constable so appointed shall, within the limits of this Act, have all such powers, privileges, and immunities, and be liable to all such responsibilities, as any constable duly appointed has within his constablewick, by virtue of the common law of the realm, or of any Act of Parliament for the time being in force.

Any person belonging to the forces may, when called upon by any constable, assist such constable in performing any duty imposed upon him by this Act, or may, when directed by his commanding officer, act as a constable in respect of any offence against this Act; and any person so assisting or directed to act shall, during the performance of such duty, have the same powers, privileges, and immunities as a constable appointed by the said Secretary of State to act within the limits of this Act.

Justices to be appointed for punishment of offences against Act.

9. The said Secretary of State may, by order under his hand, appoint any county justice or justices, having jurisdiction within the limits of this Act, or any part of such limits, with his or their consent, to attend for any time named in such order, the forces or any portion of such forces; and any justice so appointed, in this Act referred to as a special magistrate, shall, during the time so named, have jurisdiction, as a justice of the peace, to punish any offence against this Act, by whomsoever committed, within the limits of this Act, and any offence by any other Act punishable upon summary conviction, and committed by any stranger.

Any power by this Act given to a special magistrate may be exercised by any two or more special magistrates.

Any special magistrate may try any case in the open air, or in any other place which he may think convenient, and if the offence

be committed in view of such magistrate he may punish the offender without any further evidence. An information in writing shall not be required in respect of any offence triable by any special magistrate.

- 5 Where the special magistrate determines that compensation is to be paid by any offender for any damage caused by him to lands, such magistrate shall order such compensation to be paid to the person entitled to receive such compensation, and shall, for the purpose of determining the person so entitled, and the amount of
10 compensation payable, but subject to the appeal herein-after mentioned, have all the powers by this Act given to the court of arbitration, and the magistrate making such order shall certify the same to the compensation officer, and the amount so paid shall be taken into consideration in considering any further claim to compensation
15 in respect of the damage so committed.

- Where any person is guilty of an offence against this Act at a place where the forces, or any portion of them, are exercising or encamping, the special magistrate before whom such offence is tried may, if he thinks fit, instead of subjecting the offender to any other
20 penalty, commit him to the custody of any constable or constables, and direct him to be detained by such constable or constables, either on the field, or at any convenient spot, for any period not exceeding six hours; and such order of commitment shall be valid without any preliminary written proceedings, provided that the special ma-
25 gistrate is satisfied that the offender has been guilty of the offence in respect of which he is committed to custody.

- Subject as aforesaid, any offence triable under this Act by any special magistrate shall be prosecuted, as nearly as may be, in manner directed by the Act of the session of the eleventh and
30 twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same.

- 35 No order made, or warrant issued, or other act or thing done, in pursuance of this Act, by a special magistrate, shall be impeached on the ground of any defect in the jurisdiction of such magistrate, unless the objection to such jurisdiction is made at the time of the making or issue of such order or warrant, or the doing of such act
40 or thing.

Where a special magistrate under this Act awards, by way of compensation for any damage done to lands, any sum exceeding five pounds, any person aggrieved by the decision of such magis-

A.D. 1874. — trate may, upon giving security for costs to the satisfaction of the magistrate, appeal to the next practicable court of general or quarter sessions holden for the county in which the cause of appeal has arisen, and such court may, upon the hearing of the appeal, confirm, reverse, or modify the decision of the special magistrate, or make such other order in the matter as the court thinks just. 5

Offences against this Act shall be triable only by a special magistrate, but, subject as aforesaid, nothing in this section contained shall affect any jurisdiction which the justices of the county in which any offence may be committed would have had if this Act 10 had not passed.

Evidence of orders and regulations.

10. Evidence of any order or regulation made by or on behalf of the consultative commission, either alone or in conjunction with the officer in command of the forces, or any officer deputed by him, may be given in all legal proceedings whatever by the production 15 of a copy purporting to be certified to be a true copy by any member of such commission, and notice of any order or regulation made as aforesaid may be served on any person personally or by leaving a copy of such notice at his usual place of abode.

No proof shall be required of the handwriting or official position 20 of any person certifying in pursuance of this section to the truth of a copy of any such order or regulation.

Any order or regulation of which evidence is given in pursuance of this Act shall, until the contrary is proved, be deemed to have been duly made. 25

Evidence of any rule or proceeding of the consultative commission, or of any member thereof, not including such order or regulation as aforesaid, may be given in all legal proceedings whatever by the production of a certificate under the hands of any two or more members of the commission declaring such rule to have been made, 30 or proceeding to have taken place.

Evidence of any permission given or order made by or on behalf of the officer in command of the forces acting within the limits of the Act, or any officer deputed by him, may be given in all legal proceedings whatever by the production of a copy purporting to 35 be certified to be a true copy by the officer in command of the forces, or any officer from time to time deputed by him to certify the same.

Definitions.

Definitions.

11. In this Act, if not inconsistent with the context, the following 40 expressions have the meanings herein-after respectively assigned to them; that is to say,

The expression “forces to which this Act applies” or “the forces” means and includes all such regular troops, militia, yeomanry, volunteers, licensed sutlers, and followers in or of any of the said forces, as may for the time being be assembled within the limits of this Act during the present summer for the purposes of military instruction, and are subject to the Mutiny Act and Articles of War; it shall also include any police attached to the said forces or to any part of such forces, but not so as to subject such police to the Mutiny Act and Articles of War :

The officer commanding the forces, or any officer or officers deputed by him, may from time to time grant licences to persons applying for the same authorising such persons to act as licensed sutlers in the said forces, or to be followers of the said forces, and may from time to time revoke any licences so granted :

Any holders of such licences shall be subject to the Mutiny Act and Articles of War, and shall be deemed to be licensed sutlers and followers within the meaning of the said Act and Articles, but all other sutlers and followers in or of the said forces shall, for the purposes of this Act, be deemed to be strangers :

Any licences granted in pursuance of this section shall be in such form and authenticated in such manner as may be prescribed by the said Secretary of State, and shall declare the fact that the person thereby licensed is subject to the Mutiny Act and to the Articles of War :

The expression “strangers accompanying the forces” or “strangers” or “stranger” means all such persons or any such person as may for the time being be attending on or accompanying the forces to which this Act applies, for the purpose of trading, amusement, or any other purposes whatever, and are not or is not subject to the Mutiny Act and Articles of War, but shall not include any owner or occupier of lands when on the lands owned or occupied by him :

The expression “damage to lands” includes damage to trees, underwoods, crops, animals, or other property on such lands, and also any loss or injury that may be sustained by the occupier of any such lands on account of being unable to cultivate and sow corn or other seeds on such lands during such occupation and passing over such lands; also any loss or injury sustained by any occupier from shutting up and securing his cattle or sheep in folds or farmyards; also any loss or injury sustained by any

A.D. 1875.

person by the damming up of any running stream, or by injury to or exhaustion of any pond or source of water, or by the use of any private or occupation roads; and "lands" includes lands covered by water:

The expression "arms, munitions of war, and stores" includes 5
all matters and things required for the use of the forces to whom this Act applies, or any part thereof, and all animals and conveyances used for the conveyance of such matters or things; also all animals used for the food of the forces or any part thereof:

The expression "unenclosed lands" includes any unfenced or 10
open lands.

Duration of Act.

Time during
which Act is
to remain in
force.

12. This Act, in so far as it relates to the power of the forces to pass over and occupy land, shall remain in force till the first of 15
September next, and no longer, but in so far as it relates to the giving of compensation for damage caused by the passage or occupation of such forces, shall remain in force till the first of June one thousand eight hundred and seventy-six, and no longer.

A.D. 1875.

SCHEDULE.

AREA FORMING LIMITS ON ACT.

- For the purposes of this Act, the area therein referred to shall be deemed to be enclosed by a boundary line starting from the Lyss or
- 10 Liss station on the Woking, Guildford, and Godalming branch of the London and South-western railway, and running along the said branch in a north-easterly direction to the Woking station of that section; thence along an imaginary straight line running due north to a point where the said straight line cuts the Staines, Wokingham,
- 15 and Reading branch railway near St. Ann's Heath; thence in a westerly direction along the said last-mentioned branch railway to its junction with the Reading and Reigate branch of the South-eastern railway, at a point situate a short distance to the south of the town of Wokingham; thence along an imaginary straight line
- 20 to Barkham church; thence along an imaginary straight line to the cross-roads at Hartley Row; thence along an imaginary straight line to Binstead church; and thence by an imaginary straight line to the Lyss or Liss station aforesaid.

Military Manœuvres.

A

B I L L

For making provision for facilitating the Manœuvres of Troops to be assembled during the present Summer.

(Prepared and brought in by
Mr. Secretary Hardy, Mr. Stanley, and
Lord Eustace Cecil.)

*Ordered, by The House of Commons, to be Printed,
12 May 1875.*

[Bill 166.]

Under 2 os.

Militia Laws Consolidation and Amendment Bill.

NOTE.

The following Bill, speaking generally, is based upon the Bill laid before Parliament in 1867, subject to the important modifications about to be noticed.

Since the Bill of 1867 was prepared several Acts have been passed greatly altering the law relating to the Militia, more particularly "The Regulation of the Forces Act, 1871," by which Act the lieutenants of counties are divested, with some small exception, of all powers over the Militia, save in relation to the raising the Militia by ballot, and those powers are re-vested in the Crown.

As the ballot has not been resorted to since the Militia was revived in 1852, or indeed for many years previously, it has been deemed advisable, having regard to the recent changes that have been referred to, to consolidate in one Bill the law relating to the Militia raised in the three parts of the Kingdom while it is raised by voluntary enlistment. The law relating to raising the Militia by ballot is left on the existing enactments.

The object of the following Bill is to effect this consolidation, with such modifications as have been suggested either by experience of the working of the existing enactments or in the process of consolidation.

These modifications, where deemed of importance, are specially noticed in the italic notes at the side or foot of the clauses, and the existing enactments on which the clauses are framed are noticed in italics in the margin, and any departure from them is generally indicated in the same manner.

This note forms no part of the Bill, and, with the italic entries referred to above, is intended to be struck out at a late stage of the Bill.

Militia Laws Consolidation and Amendment Bill.

ARRANGEMENT OF CLAUSES.

Short Title. Interpretation.

Clauses.

1. Short title.
2. Interpretation of terms.

Appointment and powers of Lieutenants and Deputy Lieutenants of Counties.

3. Appointment of lieutenants of counties, and certain towns, &c.
4. Appointment of deputy lieutenants.
5. Appointments to be subject to Her Majesty's or Lord Lieutenant's approbation.
6. Number of deputy lieutenants.
7. Provision for absence or disability of lieutenant.
8. Vice-lieutenants may be appointed.
9. Property qualifications for deputy lieutenants. Income of personal estate in possession to be deemed equivalent to the yearly value of land.
10. Qualification to be delivered to clerk of the peace or clerk of supply.
11. Clerk of the peace or clerk of supply to send copies of qualifications to lieutenant, and enter same on a roll, and insert in Gazette dates of commissions, &c.
12. Return to Secretary of State and Parliament.
13. Penalty for acting as deputy lieutenant, &c., without being qualified, &c.
14. Acts of persons not qualified to be valid.
15. Displacement of deputy lieutenants.
16. Commissions not to be vacated by revocation of appointment of grantor.
17. Powers, &c. of lieutenants and deputy lieutenants.

Number and Quotas of Militia.

Clauses.

18. Militia while ballot suspended to be raised under this Act.
Their number.
19. Quotas.

Formation of Regiments. Uniting of Militia.

20. Her Majesty may direct into what regiments Militia shall be formed, and with what officers and staff. Power to unite portions of Militias of counties to form artillery corps.

Appointment of Officers, &c.

21. Appointments and commissions of officers.
22. Rank of officers accepting commissions in other regiments.
23. Permanent staff.
24. Men from the army may be attached to permanent staff.
25. Extra musicians may be kept at the expense of the commanding officer.
26. Persons disqualified for permanent staff, &c.
27. Pensions preserved.
28. Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.

Command.

29. Command of Militia in the absence of superior officer.

Raising the Men.

30. Men how to be raised.
31. Provisions of Mutiny Act concerning recruits applied to recruits for the Militia.
32. Enlistment of men to serve for six years.
33. Re-engagement.
34. Militiamen not to claim discharge on ground of error, &c. in enrolment, &c.

Discharge of Men.

35. Power to Secretary of State to discharge Militiamen.

Drill, Training, and Exercise.

Clauses.

36. Training of Militia recruits.
37. Command and discipline of Militia recruits.
38. Officers and non-commissioned officers may voluntarily be attached to the army for instruction.
39. Period and times and places of training and exercise.
40. Time of training may be extended by Her Majesty after Militia is called out.
41. Her Majesty may, by Order in Council, extend or reduce the period of training, or suspend training in any year.
42. Power to attach officers of regular forces to Militia regiments during training.
43. Time of drill not to be reckoned, &c.

Embodying of the Militia.

44. In what event and how Militia to be embodied.
45. Parliament to be assembled within ten days, when Militia is ordered to be embodied.
46. Where part only of Militia embodied in first instance further part may be embodied afterwards.
47. When all the Militia of a county is embodied, all officers, &c. to join.
48. Provision for case of part only of Militia of a county being embodied.
49. Militia not to be ordered out of United Kingdom.
50. Her Majesty may accept voluntary offers of Militia to serve in the Channel Islands, Isle of Man, Malta, and Gibraltar.
51. Disembodying of Militia.
52. Militia after being disembodied to be subject to former engagements.

Provisions common to Training and Exercise and Embodiment.

53. Militia may be placed under general officers during training or embodiment.
54. Notices of times and places of exercise and for meeting on embodiment to be sent by post. Such notices to be also published on church doors, &c.
55. Notices may be required to be served and published by the police.

Application of Mutiny Act and Articles of War.

Clauses.

56. Application of Mutiny Act and Articles of War to permanent staff, recruits, &c.
57. Application of Mutiny Act and Articles of War during training and embodiment.
58. Officers of the army not to sit on Militia trials, and vice versa.

Desertion.

59. Men not attending for preliminary training or training, or when embodied, deemed deserters.
60. Provision for apprehension of men absent from preliminary training or training and exercise.
61. Militia recruit failing to attend recruit training liable afterwards to attend.
62. Addition to term of service of militiamen absent from annual training.
63. Addition to term of service of deserters from embodied Militia.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

64. Deserters may, when Militia not embodied or assembled for training, be proceeded against summarily before justices, or tried by court-martial.
65. Secretary of State may make regulations, &c. for trial of deserters by court-martial.

Reduction to the Ranks of Non-commissioned Officers, &c.

66. Non-commissioned officers and drummers may be reduced to the ranks.

Court-martial after Periods of Training and Embodiment for Offences then committed.

67. Offences committed while Militia are assembled for training, or embodied, may be afterwards tried by court-martial; but charges to be made out and delivered within six months after training or being disembodied.
68. Courts-martial when Militia neither embodied nor assembled for training.
69. Regimental or detachment courts-martial may be appointed.

Clauses.

70. Consequences of officers not attending. Pay and allowance to officers.
71. Court-martial how to proceed.

Consequences of fraudulent Re-enlistment in Militia.

72. Fraudulent re-enlistment to be deemed desertion.
73. Militiamen fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.
74. The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

75. Enlistment or entry of a militiaman into land or sea forces void.
76. Fraudulent enlistment or entry into land or sea forces by militiaman punishable as desertion; militiamen enlisting or entering may be put under stoppages, &c. instead of being tried by court-martial as deserters.
77. Permissive enlistment of militiamen in the regular forces.
78. Provision against enlistment in Militia of men belonging to the Reserve Force.

Provision as to Servants enrolled.

79. Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c.; and if any dispute arise touching wages affecting a sum under 20*l.* a justice may settle it in a summary way.

Penalties for harbouring Deserters.

80. Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

81. As to Berwick-upon-Tweed.
82. Militia of Isle of Wight.
83. Militia of the Tower Hamlets.

Clauses.

- 84. Militia of the city of London.
- 85. Miners of Cornwall and Devon.
- 86. Provision as to the Cinque Ports.

Royal Warrants, &c. as to Pay, &c.

- 87. Power to Her Majesty to regulate the Militia by warrants and regulations, &c.

Recovery and Application of Penalties.

- 88. Recovery of penalties.
- 89. Justices may grant warrants for the citation of witnesses.
- 90. Application of certain penalties.
- 91. Justice to report to Secretary of State.
- 92. Application of penalties on militiamen.

Savings for Civil Rights.

- 93. Commissions in Militia not to vacate seats in Parliament.
- 94. Voters going to elections of members not punishable for absence.
- 95. Enlistment in Militia not to cause forfeiture of any interest in any friendly or benefit society.

Exemptions from Civil Offices.

- 96. If sheriff be a Militia officer under sheriff answerable for him when Militia is embodied.
- 97. Officers, &c. not liable to serve as peace officers, &c.

No Certiorari, &c. Limitation of Actions, &c.

- 98. Proceedings not to be removed, &c.
- 99. Limitation of actions ; general issue ; full costs.

Repeal of Acts.

- 100. Repeal of existing Acts ; saving for existing orders, commissions, terms of service, &c.
- 101. Saving of ballot provisions.

SCHEDULE.

A
B I L L

TO

Consolidate and amend certain Laws relating to the Militia of A.D. 1875-
the United Kingdom.

WHEREAS it is expedient that certain laws applicable to the Militia of the United Kingdom, while the same is raised by voluntary enlistment, should be consolidated and amended :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short Title. Interpretation.

1. This Act may be cited as "The Militia (Voluntary Enlistment) Short title.
10 Act, 1875."

2. In this Act—

The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction :

Interpreta-
tion of
terms.

This clause follows in the main the interpretation clause in the Militia (England) Bill of 1867.

15 "The Secretary of State" means one of Her Majesty's Principal Secretaries of State :

"The Secretary of State for War" means Her Majesty's Principal Secretary of State for the time being for the War Department :

20 "County" means county at large, or riding, or part of any such county for which a distinct quota of militiamen is now appointed, and the cities of Edinburgh, Dublin, Cork, and Limerick respectively, inclusive of all cities and towns being counties of themselves which are locally situate within any such county, riding, or
25 part other than the cities herein-before particularly mentioned :

"Parish" shall include a place annexed to a parish for all civil parochial purposes as if the same were part of the parish to which it is annexed :

23 & 24 Vict. c. 120. s. 7. not followed. See 29 & 30 Vict. c. 113. s. 18. 31 & 32 Vict. c. 122. s. 27.

[Bill 160.]

A

A.D. 1875.

*34 & 35 Vict.
c. 86. s. 19.*

- “Lieutenant” means Her Majesty’s Lord Lieutenant of any county, and includes any Vice-Lieutenant, also, save as herein otherwise provided, the Commissioners of Lieutenancy of the city of London, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the Warden of the Stannaries, 5 the Constable of the Tower, and any other officer or officers however named having a jurisdiction in relation to the Militia similar to that of the Lord Lieutenant of a county :
- “Commanding officer” means colonel (except an honorary colonel), lieutenant-colonel, commandant, or major, according 10 to the establishment of the regiment :
- “Captain” includes any other commanding officer of a company :
- “Justice” means justice of the peace :
- “Militia” means the regular Militia of the United Kingdom :
- “Regiment” means regiment of Militia, and includes battalion, 15 corps, and company :
- “Permanent staff” means the adjutant and such other commissioned officers and such non-commissioned officers and drummers as may for the time being be commissioned or attested thereto : 20
- “Non-commissioned officer” includes corporal, lance corporal, and bombardier :
- “Drummer” includes a musician of any kind receiving pay in the Militia :
- Any expression meaning or referring to any officer, non-com- 25 missioned officer, or drummer means such officer, non-commissioned officer, or drummer, in the Militia :
- “Mutiny Act” means the Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force : 30
- “Articles of War” means the Articles of War for the time being in force under the authority of the Mutiny Act :
- “Royal warrant” includes any Act of Parliament having by law the same effect as if embodied in a Royal Warrant.

*Appointment and Powers of Lieutenants and Deputy Lieutenants 35
of Counties.*

Appoint-
ment of lieutenants of
counties,
and certain
towns, &c.*

3. It shall be lawful for Her Majesty with regard to Great Britain, and for the Lord Lieutenant, with regard to Ireland, from time to time to appoint lieutenants for the several counties in the United Kingdom, and for the town of Haverfordwest, the city of 40 Waterford, and the town of Galway.

* 42 G. 3. c. 90. ss. 2, 5, and see s. 19 (repealed). 42 G. 3. c. 91. s. 1. (S.) 17 & 18 Vict. c. 106. s. 2. (S.) 1 & 2 W. 4. c. 17. s. 1. (I.)

4. Subject to the other provisions of this Act the lieutenants shall from time to time appoint such persons as they think fit, living within their respective counties, cities, or towns, to be their deputy lieutenants.

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Appoint-
ment of
deputy lieu-
tenants.*

5 * 42 G. 3. c. 90. ss. 2, 5. 42 G. 3. s. 91. s. 1. (S.) 17 & 18 Vict.
 c. 106. s. 2. (S.) 1 & 2 W. 4. c. 17. s. 4. (I.)

5. The lieutenants shall certify to Her Majesty, or, in Ireland, the Lord Lieutenant, the names of persons to be so appointed deputy lieutenants, and it shall not be lawful for any lieutenant to grant a commission to any person until it has been signified to the lieutenant by the Secretary of State, or in Ireland by the Chief or Under Secretary to the Lord Lieutenant that Her Majesty, or the Lord Lieutenant (as the case may be), does not disapprove of the granting of such commission.

Appoint-
ments to be
subject to
Her Ma-
jesty's or
Lord Lieute-
nant's appro-
bation.†

15 † See references to existing enactments on last preceding clause.
 They are slightly departed from, the *Militia (England) Bill*
 of 1867 being followed.

6. In England twenty deputy lieutenants at least shall be appointed within every county, and in Ireland so many deputy lieutenants shall be appointed within every county, and every city or town for which deputy lieutenants are to be appointed, as the Lord Lieutenant from time to time determines, if so many persons can be found duly qualified in England and Ireland respectively, but if not then as many persons so qualified as can be found within the county shall be appointed such deputy lieutenants.

Number of
deputy lieu-
tenants.

42 G. 3. c. 90.
s. 5.
1 & 2 W. 4.
c. 17. s. 4. (I.)

7. If the lieutenant of any county, city, or town be absent from the United Kingdom, or otherwise incompetent or unable to act, or where there is no lieutenant, Her Majesty with regard to Great Britain, and the Lord Lieutenant with regard to Ireland, may authorise any three deputy lieutenants of such county, city, or town to do all acts which might lawfully have been done by the lieutenant, and such deputy lieutenants authorised as aforesaid, while so authorised, shall for all purposes stand in the place of the lieutenant.

Provision
for absence
or disability
of lieutenant.
42 G. 3. c. 90.
s. 3.
17 & 18 Vict.
c. 106. s. 4. (S.)

8. It shall be lawful for the lieutenant of any county, city, or town, with the approbation of Her Majesty in Great Britain or of the Lord Lieutenant in Ireland, to appoint any deputy lieutenant to act for him within the county, city, or town, as vice-lieutenant thereof, during the absence from the county, sickness, or other disability of such lieutenant and no longer; and every such vice-lieutenant shall have authority to do all acts which might lawfully have been done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority

Vice-lieu-
tenants may
be appointed.
46 G. 3. c. 90.
s. 45.
55 G. 3. c. 65.
s. 9. altered.
17 & 18 Vict.
c. 106. s. 3. (S.)
1 & 2 W. 4.
c. 17. s. 17. (I.)

A.D. 1875. of Her Majesty to make other provision for this purpose under the foregoing enactment.

Property qualifications for deputy lieutenants.

42 G. 3. c. 90. s. 6., see also ss. 7, 8 and 14. 15 & 16 Vict. c. 50. s. 4. 17 & 18 Vict. c. 105. s. 31. 42 G. 3. c. 91. s. 10. (S.) 17 & 18 Vict. c. 106. ss. 6, 9. (S.) 1 & 2 W. 4. c. 17. ss. 5, 12. (I.)

Income of personal estate in possession to be deemed equivalent to the yearly value of land.

9. Every person appointed a deputy lieutenant shall, unless he be a peer of the realm or heir apparent of such peer and have a place of residence within the county, city, or town for which he is appointed, have the property qualification herein-after mentioned; that is to say,—

he shall be in possession for his own benefit of an estate for his own life or the life of another, or of some greater estate, in land or heritages in the United Kingdom of the yearly value of *two hundred pounds*;

or be heir apparent of some person who is in possession as aforesaid of a like estate in like property of the like yearly value;

Provided nevertheless, that for the purposes of the qualification aforesaid a clear yearly income arising from personal estate within the United Kingdom, of or to which personal estate or income any person appointed a deputy lieutenant is possessed or entitled, at law or in equity, in possession, for his own benefit, for his own life, or the life of another, or some greater estate or interest, shall be deemed equivalent to an estate in land or heritages of a yearly value of the same amount with such yearly income; and such yearly income from personal estate shall be admitted in whole or in part of any such qualification accordingly.

Qualification to be delivered to clerk of the peace or clerk of supply.

42 G. 3. c. 90 ss. 12, 14. 42 G. 3. c. 91. s. 8. (S.) 1 & 2 W. 4. c. 17. s. 9. (I.)

10. No person, not being qualified under this Act as a peer of the realm or heir apparent of such peer, shall be appointed to be a deputy lieutenant until he has delivered to the clerk of the peace of the county in England or Ireland, or town clerk of the city or town in Ireland, or to the clerk to the commissioners of supply of the county in Scotland, for which he is appointed a specific description in writing, signed by himself, of his qualification, stating, where the same consists wholly or partially of an estate in land or heritages, the county and parish or parishes in which the land or heritages forming his qualification is or are situate, and, as to land in Ireland, the denominations of the land.

35

Clerk of the peace or clerk of supply to send copies of qualifications to lieutenant, and enter same on a roll, and

11. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, of every county, city, or town shall send to the lieutenant of the county, city, or town a copy of every description of a qualification delivered to him as herein required, and shall enter every such description on a roll to be kept for that purpose; and shall cause to be inserted in the London Gazette, or as to Ireland, in the Dublin Gazette, the dates of the commissions, and

40

the names of the deputy lieutenants, in like manner as commissions in the army are published from the War Office; and he is hereby authorised to charge the expense of the insertion in the Gazette to the treasurer, or, in Scotland, to the collector of the land tax, of the county, city, or town, who shall pay the same.

A.D. 1875.

—
insert in
Gazette
dates of
commissions,
&c.*

* 42 G. 3. c. 90. s. 13. 42 G. 3. c. 91. s. 9. (S.) 1 & 2 W. 4.
c. 17. s. 10. (I.)

12. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, shall in the month of January in every year send to the Secretary of State, or, in Ireland, the chief secretary of the Lord Lieutenant, a complete account of the several descriptions of qualifications delivered to him, and the Secretary of State or chief secretary receiving such account shall cause copies thereof to be laid before both Houses of Parliament.

Return to
Secretary of
State and
Parliament.

42 G. 3. c. 90.
s. 13.
42 G. 3. c. 91.
s. 9. (S.)
1 & 2 W. 4.
c. 17. s. 10. (I.)

13. If any person act as deputy lieutenant, not being duly qualified, or not having delivered in the description of his qualification as herein required, he shall forfeit the sum of *two hundred pounds*;

Penalty for
acting as
deputy lieu-
tenant, &c.,
without
being quali-
fied, &c.

one moiety of each such penalty to be paid to any person who may sue for the same;

42 G. 3. c. 90.
s. 14.

and in any legal proceeding for recovery thereof the proof of qualification shall lie on the defendant or defender.

42 G. 3. c. 91.
s. 10. (S.)
1 & 2 W. 4.
c. 17. s. 12. (I.)

14. Where any person has acted as a deputy lieutenant without being duly qualified, or without having delivered in the description of his qualification as required by this Act, the acts of such person done in his office shall be as valid as if he had been duly qualified and had duly delivered in such description.

Acts of
persons not
qualified to
be valid.

15. Whenever Her Majesty may think fit to signify Her pleasure to the lieutenant of any county, city, or town in the United Kingdom, or the Lord Lieutenant shall signify his pleasure to the lieutenant of any county, city, or town in Ireland, that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace such deputy lieutenants, and appoint others in their stead, subject to the provisions of this Act.

Displace-
ment of
deputy lieu-
tenants.
42 G. 3. c. 90.
s. 17.
42 G. 3. c. 91.
s. 12. (S.)
1 & 2 W. 4.
c. 17. s. 8. (I.)

16. No commission of any deputy lieutenant shall be vacated by the revocation, expiration, or discontinuance of the commission or appointment of the lieutenant who granted it.

Commissions
not to be
vacated by
revocation of
appointment
of grantor.*

* 42 G. 3. c. 90. s. 4. 17 & 18 Vict. c. 106. s. 5. (S.) 1 & 2
W. 4. c. 17. s. 4. (I.)

17. The lieutenant and deputy lieutenants respectively appointed under this Act for any county, city, or town shall have such jurisdiction, duties, powers, and privileges as are vested in the lieu-

Powers, &c.
of lieu-
tenants and
deputy lieu-
tenants.

A.D. 1875.

*New.*1 & 2 W. 4.
c 17.

tenant and deputy lieutenants respectively for such county, city, or town under any existing Act of Parliament, except under any enactment repealed by this Act, but as regards Ireland, inclusive of all such powers as at the time of the passing of the Act of the first and second years of King William the Fourth, chapter 5 seventeen, were vested in the governors and deputy governors respectively of counties or places in Ireland, so far as such powers are now in force.

*Number and Quotas of Militia.*Militia while
ballot sus-
pended to be
raised under
this Act.Their
number.

18. The Militia of the United Kingdom shall, during the sus- 10
pension of the ballot, be raised and kept up according to the
provisions of this Act :

And such number of private militiamen shall be so raised and
kept up as may be provided by Parliament.

Quotas.

15 & 16 Vict.
c. 50. s. 9.17 & 18 Vict.
c. 106. s. 27. (S.)17 & 18 Vict.
c. 107. s. 2. (I.)as altered by
34 & 35 Vict.

c. 86. s. 6.

But it is to
be observed

that the

powers vested

in the Lord

Lieutenant of

Ireland with

advice of Privy

Council are by

the enactment last

referred to vested in the Queen, not in the Queen in Council.

19. It shall be lawful for Her Majesty, with the advice of Her 15
Privy Council, from time to time to appoint the quotas of militiamen
to serve for the several counties of the United Kingdom.

Notice of the quota from time to time appointed for any county
shall be transmitted to the lieutenant of such county and published
in the London, Edinburgh, or Dublin Gazette, as the case may 20
require.

Such quota shall be the quota of such county until another quota
is appointed and notified in like manner.

Until another quota is appointed under this Act for any county
the quota now appointed for such county shall continue. 25

Formation of Regiments. Uniting of Militia.

Her Majesty

may direct into

what regiments

Militia shall be

formed, and

with what offi-
cers and staff.15 & 16 Vict.
c. 50. s. 25.,22 & 23 Vict.
c. 38. s. 7.;and see
42 G. 3. c. 90.

ss. 68, 69, 70,

72, 73, 74.; see
also 10 G. 4.

c. 10.

17 & 18 Vict.
c. 106.

s. 28. (S.) 17 & 18 Vict. c. 107. s. 3. (I.) as altered by 34 & 35 Vict. c. 86. s. 6.

Power to unite
portions ofMilitias of
counties to

20. It shall be lawful for Her Majesty from time to time to form
the Militia of the several counties into such regiments as to Her
Majesty may seem fit, and to direct what number of officers, and 30
of what respective ranks, shall be appointed to such regiments, and
what shall constitute the staff thereof :

Provided always, that where it appears to Her Majesty that the
number of militiamen raised or to be raised for any county is
insufficient to be conveniently formed into or continued as a separate 35
regiment, it shall be lawful for Her Majesty to unite the Militia
of such county with the Militia of any county adjoining, so long as
the exigency of the case may appear to Her Majesty to require :

Provided also, that it shall be lawful for Her Majesty from 40
time to time to unite portions of the Militia of two or more counties

in order to form a corps of Militia artillery, and at any time to disunite the same.

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form artillery corps.
23 & 24 Vict.
c. 94. s. 1.

Appointment of Officers, &c.

21. All officers in the Militia shall be appointed by and hold commissions from Her Majesty; such commissions to be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's regular land forces are prepared, authenticated and issued, according to any law or custom for the time being in force :

Appoint-
ments and
commissions
of officers.
34 & 35 Vict.
c. 86. s. 6.
altered.

10 But commissions or first appointments to the rank of sub-lieutenant or lieutenant in any regiment shall be given to persons recommended by the lieutenant of the county if a person approved by Her Majesty is recommended for any such commission or appointment by such lieutenant within thirty days after notice of a
15 vacancy for such commission or appointment has been given to such lieutenant by the Secretary of State, by letter addressed to him by post ;

provided always, that where a regiment is formed of the united Militia or parts of the Militia of two or more counties, the recom-
20 mendation for such commissions or first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as the warrant or order uniting such Militia, or parts of Militia, may provide :

The officers so appointed for the Militia shall rank with the
25 officers of Her Majesty's regular forces as youngest of their rank.

42 G. 3. c. 90.
s. 2.
42 G. 3. c. 91.
s. 1. (S.)

22. Every officer who accepts a commission or appointment of the same rank in any other regiment, thereby vacating his former commission, shall continue to rank in the Militia service according to the date of his commission or appointment so vacated.

Rank of officers
accepting com-
missions in
other regi-
ments.
42 G. 3. c. 90.
s. 75.

30 42 G. 3. c. 91. s. 69. (S.). 17 & 18 Vct. c. 106. s. 15. (S.). "Militia service" being substituted for "general service."

23. The enactments herein-after contained applying with modifications certain provisions of the Mutiny Act to recruits and recruiting for the Militia, and concerning the period for which Militia recruits are to be enlisted to serve, the effect of their being attested for
35 service in the Militia, and the re-engagement of men enlisted in the Militia shall, save as herein-after otherwise provided, apply to every person appointed to the permanent staff, not being a commissioned officer.

Permanent
staff.
36 & 37 Vict.
c. 68. s. 2.
varied.

24. Men belonging to the regular forces may, in such cases, for
40 such time, under such conditions, and generally in such manner as may be authorised by regulations of the Secretary of State, be

Men from
the army
may be
attached to

A.D. 1875. attached to the permanent staff without being discharged from their existing engagement :

permanent staff.
This clause is new.
See, as to terms "billeting," &c., *Mutiny Act*, s. 2, last words.

Men so attached shall, without being attested for the permanent staff, be deemed members thereof and subject to the same provisions as regards billeting, discipline, trial, and punishment as if they 5 were, during the time for which they are so attached, duly attested members of such staff, and their service accordingly as members of such staff shall be equivalent to service under their engagement to serve in the regular forces.

Extra musicians may be kept at the expense of the commanding officer. 25. The commanding officer may, at his own expense, at any 10 time keep up an additional number of drummers for the use of any regiment, and such additional drummers shall be deemed drummers within the meaning of this Act, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers, and shall continue to serve as drummers so long as they receive from 15 the commanding officer by whom they were appointed the same pay and clothing as other drummers, or better clothing in lieu thereof, and no longer.

42 G. 3. c. 90. s. 85.
17 & 18 Vict. c. 106. s. 24. (S.), and see 42 G. 3. c. 91. s. 80. (S.), 49 G. 3. c. 120. s. 7. (I.)

Persons disqualified for permanent staff, &c.

42 G. 3. c. 90. s. 83.
42 G. 3. c. 91. s. 77. (S.)
49 G. 3. c. 120. s. 29 (I.)

26. No person who keeps a house of public entertainment, or 20 sells ale, wine, or brandy, or other spirituous liquors, by retail, shall be capable of being appointed or of serving or receiving pay as a member of the permanent staff, or as a non-commissioned officer not on such staff.

Pensions preserved.

42 G. 3. c. 90. s. 86., 42 G. 3. c. 91. s. 81. (S.), 49 G. 3. c. 120. s. 36. (I.)

27. No soldier receiving pension shall forfeit such pension during the time he serves in the Militia.

Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.
17 & 18 Vict. c. 105. s. 33. residue, extended.
17 & 18 Vict. c. 106. s. 64. (S.)

28. If any person who has served in Her Majesty's other forces, and has afterwards been attested for the permanent staff of the 30 Militia, be discharged therefrom for misconduct, the cause of his discharge shall be certified by the commanding officer of his regiment on the back of the certificate of his discharge from Her Majesty's other forces, and a copy of the certificate of such commanding officer shall be forwarded to the Adjutant General of 35 Her Majesty's forces and the Secretary of State for War.

Command of Militia in the absence of superior officer.
36 & 37 Vict. c. 68. s. 5.

Command.

29. When the commanding officer of any regiment of Militia is absent on leave, the command of such regiment shall devolve without special authority from the Crown in accordance with the usual 40 custom of the service.

Raising the Men.

A.D. 1875.

30. The number of private militiamen required to be raised and kept up under this Act shall from time to time be raised by voluntary enlistment, and shall be recruited by such officers, non-commissioned officers, and men, whether belonging to the Militia or to the army, as may be determined by Her Majesty.

Men how to be raised.
15 & 16 Vict. c. 50. ss. 11, 15., 17 & 18 Vict. c. 106. ss. 29, 31. (S.), 68. s. 1. part.

17 & 18 Vict. c. 107. ss. 11, 15. (I.), 36 & 37 Vict. c.

31. The provisions of the Mutiny Act relating to the following matters connected with enlistment; that is to say,

Provisions of Mutiny Act concerning recruits applied to recruits for the Militia.

10 Questions to be put to recruits on enlisting;
When recruits are deemed to be enlisted, and the billeting of recruits while remaining with the recruiting party;
When recruits are to be taken before a justice;
Dissent and relief from enlistment;

15 Attesting of recruits;
The restriction as to trial by court-martial of a recruit before attestation or receipt of pay, and the subjecting of an unattested person to punishment as a rogue and vagabond or otherwise;
20 As to the trial of an attested person, who has given any wilfully false answer to any question, or made any wilfully false statement in his declaration, either before two justices or before a court-martial;

As to any recruit absconding;

The punishment of persons subject to the Mutiny Act who wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits;

shall apply with reference to recruits and recruiting for the Militia, subject to the following modifications; that is to say,

30 For the words "soldier in Her Majesty's service," or "soldier," as the case may be, shall be substituted the word "militia-man";

For the words "oath of allegiance in the said form" shall be substituted the words "following oath, namely, I, A.B., do solemnly promise and swear that I will be faithful to Her Majesty Queen Victoria, her heirs and successors, and that I will faithfully serve in the Militia, in any part of Great Britain and Ireland for the defence of the same until I shall be discharged";

36 & 37 Vict. c. 68. s. 2.

35 "I will faithfully serve in the Militia, in any part of Great Britain and Ireland for the defence of the same until I shall be discharged";

40 No recruit for the Militia shall be liable to be tried by court-martial, except during such time as the Mutiny Act shall be applicable to him under the provisions of the Mutiny Act, or under the provisions herein-after contained.

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Enlistment
of men to
serve for six
years.
36 & 37 Vict.
c. 68. s. 1.

32. Every Militia recruit shall be enlisted to serve in the Militia for the county for which he is raised as a militiaman for any period not exceeding *six* years, to be reckoned from the day on which the recruit is attested for service; and recruits attested for service in the Militia shall for the purposes of any enactment referring to 5 persons enrolled in the Militia be deemed to be so enrolled.

Re-engage-
ment.
36 & 37 Vict.
c. 68. s. 1.
altered.

33. Any man enlisted in the Militia may, at any time during the period of his existing engagement, be re-engaged to serve in the Militia for a further period not exceeding *six* years from the date of his re-engagement.

10

Militiamen
not to claim
discharge on
ground of
error, &c. in
enrolment,
&c.
32 & 33 Vict.
c. 13. s. 4.
varied.

34. No militiaman, who has before or after the passing of this Act received pay and been borne on the strength and pay list of any regiment for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or re-engagement, or on any ground whatsoever 15 affecting the validity of his enlistment or re-engagement, but, on the contrary, every such militiaman shall be deemed to have been duly enlisted or re-engaged, as the case may be.

Discharge of Men.

Power to
Secretary of
State to
discharge
militiamen.
17 & 18 Vict.
c. 105. s. 42.,
17 & 18 Vict.

35. It shall be lawful for the Secretary of State at any time 20 to discharge any militiaman for misconduct, unfitness, or other cause, upon such conditions as he may from time to time direct, and such militiaman shall have no claim to future pay or bounty (if any).

c. 106. s. 61. (S.), 17 & 18 Vict. c. 107. s. 25 (I.) part, in each case.

25

Drill, Training, and Exercise.

Training of
Militia
recruits.
34 & 35 Vict.
c. 86. s. 8.

36. Men enlisted in the Militia shall attend at the head quar-
ters of the regiment in which they are enlisted, or at such other
place and at such time as may be directed by the Secretary of
State, for preliminary training for a period of not more than *six* 30
months.

Command
and disci-
pline of
Militia
recruits.
36 & 37 Vict.
c. 68. s. 3.
The words
"prelimi-

37. Militia recruits shall, during the period of their preliminary training, when the Militia battalions to which they belong are not for the time being out for training and exercise, be subject to the command of such officers, whether of the Militia or Her 35 Majesty's regular forces, as may from time to time be appointed to serve with the force with which such recruits are being trained, and officers either of the Militia or of Her Majesty's regular forces,

shall be competent to sit on any court-martial appointed for the trial of any such recruit for an offence committed by him during the period of his preliminary training, whether such court-martial be holden during such period or at any time after its expiration.

A.D. 1875.

—
nary training” being substituted for “recruit training.”

- 5 38. Any officer or non-commissioned officer of the Militia may, with the consent of the Secretary of State, and with his own consent, be attached for a time for the purpose of instruction to any portion of Her Majesty’s regular forces, and shall for such time be deemed to be under the command of the officer commanding the same.

Officers and non-commissioned officers may voluntarily be attached to the army for instruction.

17 & 18 Vict.

c. 105. s. 53., 17 & 18 Vict. c. 106. s. 54. (S.), 17 & 18 Vict. c. 107. s. 35. (I.) altered, the original enactments apply only to privates.

- 15 39. Save as herein otherwise provided, the Militia shall be trained and exercised for not less than *twenty-one* days and not more than *twenty-eight* days in every year, at such times and at such places in any part of the United Kingdom as Her Majesty may appoint;

Period and times and places of training and exercise.

42 G. 3. c. 90. s. 87.

15 & 16 Vict.

c. 50. s. 26.,

altered, s. 27,

- 20 and for that purpose may be called out once or oftener in every year.

part, 42 G. 3. c. 91. s. 82. (S.), 17 & 18 Vict. c. 106. ss. 45, 46. part. (S.), 49. G. 3. c. 120. s. 39. (I.), 17 & 18 Vict. c. 107. ss. 17, 18. part. (I.) 22 & 23 Vict. c. 38. s. 8. altered.

40. When any regiment is actually assembled for training and exercise, or after notices to the men of any regiment to attend training and exercise have been given, it shall be lawful for Her Majesty to extend the period of such training and exercise for a period not exceeding, with the time for which such regiment has been called out, the period of *fifty-six* days; and in any such case fresh notices to attend training and exercise shall not be necessary:

Time of training may be extended by Her Majesty after Militia is called out.

17 & 18 Vict.

c. 13. s. 2.

nothing

as to S. or I.

- 30 All provisions applicable to such Militia during the time of training and exercise shall be applicable to such regiment during such extended period as if the notices for calling out such regiment for such training and exercise had been given for such extended period, and had been authorised by law.

- 35 41. Her Majesty may from time to time, with the advice of Her Privy Council,—

Her Majesty

may, by

Order in

Council,

extend or

reduce pe-

riod of train-

ing, or sus-

pend training

in any year,

order that the period of training and exercise in any year of all or any part of the Militia be extended, but so that the whole period of training and exercise be not more than *fifty-six* days;

- 40 or order that the period of training and exercise in any year of all or any part of the Militia be reduced to such time as to Her Majesty with the advice aforesaid may seem fit;

A.D. 1875. or order that in any year the calling out of all or any part of the Militia for the purpose of being trained and exercised be dispensed with.

From

57 G. 3. c. 57. s. 1. (repealed as to E. and I. by Statute Law Revision Act, 1873). The power to suspend training for a year after disembodiment—see 42 G. 3. c. 90. s. 88. and 42 G. 3. c. 91. s. 83. (S.)—is omitted.

5

Power to attach officers of regular forces to militia regiments during training.
32 & 33 Vict. c. 13. s. 2.

42. Her Majesty may attach any officer of the regular forces to any regiment during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the Militia as his superior officers, and exercise all the power and authority of a Militia officer in such regiment, but retain the same relative rank with respect to the officers of Militia as an officer of Her Majesty's regular forces is entitled to according to this Act; and any non-commissioned officer of the regular forces shall, while employed to assist in the training and exercise of any regiment, obey the commands of the superior officers of the Militia as his superior officers, and exercise all the power and authority of a Militia non-commissioned officer in such regiment.

10

15

Time of drill not to be reckoned, &c.
17 & 18 Vict. c. 13. s. 3.
17 & 18 Vict. c. 107. s. 19. (I.) altered, and see 23 & 24 Vict. c. 94. s. 14.

43. Where any officer, non-commissioned officer, or man of any regiment is sent to head quarters or elsewhere, or attached to any regiment of Her Majesty's regular forces, for purposes of preliminary training or of instruction, the time of his attendance for such purposes shall not be reckoned in computing the period for which he may be liable to be called out or kept assembled for training and exercise.

20

25

Embodying of the Militia.

In what event and how Militia to be embodied.
42 G. 3. c. 90. s. 111.
17 & 18 Vict. c. 106. s. 47. (S.)
49 G. 3. c. 120.

44. In case of imminent national danger or of great emergency it shall be lawful for Her Majesty (the cause being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by proclamation, if Parliament be not sitting) to order the whole or any part of the Militia to be drawn out and embodied and to give all necessary directions for the assembling of such Militia and otherwise.

30

s. 55. (I.), as modified by 33 & 34 Vict. c. 68. s. 1., and 34 & 35 Vict. c. 86. s. 6.

35

Parliament to be assembled within ten days, when Militia is ordered to be embodied.
33 & 34 Vict. c. 68. s. 2.

45. Whenever Her Majesty orders the Militia to be drawn out and embodied as aforesaid, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

40

A.D. 1875.

46. Where the order of Her Majesty does not apply to the whole of the Militia, Her Majesty may from time to time, while any part of the Militia remains embodied, order the drawing out and embodying of all or any part of the Militia to which the
5 previous order or orders for embodiment did not apply.

42 G. 3. c. 90. ss. 140, 141., 42 G. 3. c. 91. s. 135., altered (S.)

Where part only of Militia embodied in first instance further part may be embodied afterwards.

47. Whenever the whole of the Militia of any county is ordered to be embodied, all the officers and non-commissioned officers and drummers of every regiment of such county shall join the regiment
10 to which they respectively belong, at the time and place appointed for the assembling of such Militia.

When all the Militia of a county is embodied, all officers, &c. to join.

42 G. 3. c. 90. s. 143.

42 G. 3. c. 91. s. 138. (S.)

48. Whenever part only of the Militia of any county is embodied under any order of Her Majesty for that purpose, Her Majesty may order what proportion and description of officers, non-commissioned officers, and drummers shall accompany such part, and
15 regulate the formation thereof, and also regulate the number and duties of the remaining officers, non-commissioned officers, and drummers of such Militia.

Provision for case of part only of Militia of a county being embodied.

42 G. 3. c. 90. s. 143.

42 G. 3. c. 91. ss. 137, 138. (S.) 17 & 18 Vict. c. 106. s. 49. (S.)

49. Save as herein otherwise provided, no part of the Militia
20 shall be carried or ordered to go out of the United Kingdom.

Militia not to be ordered out of United Kingdom.

22 & 23 Vict. c. 38. s. 1.

50. It shall be lawful for Her Majesty to employ in the Islands of Malta, Guernsey, Jersey, Alderney, and Sark, the Isle of Man, and the garrison of Gibraltar, or any of them, such part of the Militia as may make a voluntary offer, duly certified by their
25 respective commanding officers, so to extend their services, and as Her Majesty may think proper to permit to extend their services in consequence of such voluntary offers as aforesaid;

Her Majesty may accept voluntary offers of Militia to serve in the Channel Islands, Isle of Man, Malta, and Gibraltar.

and it shall be lawful for Her Majesty to direct the commanding officer of any regiment, to propose to such regiment to extend their
30 services to the said islands and isle, under such rules and regulations as Her Majesty may think fit and appoint;

22 & 23 Vict. c. 38. ss. 4, 5, extended.

As to service abroad, see

18 & 19 Vict. c. 1, ss. 1-13

(expired.)

and no person shall be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent;

and no commanding officer shall certify any voluntary offer
35 previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part.

51. It shall be lawful for Her Majesty, from time to time as she may think fit, to disembody the whole or any part of the Militia embodied under this Act, and from time to time again to

Disembodying of Militia.

42 G. 3. c. 90. s. 144.

A.D. 1875. re-embody all or any part of the Militia so disembodied, as to
 42 G. 3. c. 91. Her Majesty may seem necessary, according to the provisions of this
 s. 139. (S.) Act.

Militia after
 being disembodied to be
 subject to
 former en-
 gagements.

42 G. 3. c. 90.

s. 145.

42 G. 3. c. 91.

s. 140. (S.), 49 G. 3. c. 120. s. 60. (I.)

52. When the Militia, or any part thereof, has been disembodied
 as aforesaid, and the officers and men thereof have been dismissed 5
 to their places of abode, all such officers and men shall until again
 embodied be subject to the same orders, directions, and engagements
 only as they were subject to under the provisions of this Act before
 they were embodied as aforesaid.

10

Provisions common to Training and Exercise and Embodiment.

Militia may
 be placed
 under general
 officers
 during train-
 ing or em-
 bodiment.

32 & 33 Vict. c. 13. s. 1, &c.

53. Where the whole or any part of the Militia is called out for
 training, or is embodied, Her Majesty may place the Militia so
 called out or embodied, or any part thereof, under the command of
 such general officers as Her Majesty may appoint.

15

Notices of
 times and
 places of
 exercise and
 for meeting
 on embodi-
 ment to be
 sent by post.

17 & 18 Vict.

c. 13. s. 4.

17 & 18 Vict.

c. 105. s. 39.

18 & 19 Vict.

c. 1. s. 15.

17 & 18 Vict.

c. 106. ss. 44,

48. (S.)

17 & 18 Vict.

c. 107. s. 21.

(I.)

54. Where the whole or any part of the Militia is called out
 for training, or is embodied, notices to the men enrolled in the
 Militia to attend training and exercise, or to attend at the time
 and place fixed for the assembling of the Militia so embodied, 20
 shall be sent by or by the order of the commanding officer of the
 regiment to which such men belong, by the post to the residences
 of the several men as stated on their attestations, or as subsequently
 notified by them :

Notices of such time and place, with directions to cause the same to 25
 be published in manner herein-after mentioned, shall also be sent by
 the like order, by post, to the following officers ; (that is to say,)

In England, to the constables of the several parishes in which the
 residences of the private men of such Militia are situate, as
 ascertained as aforesaid :

30

In Scotland, to the inspectors of the poor of the several parishes
 or divisions of parishes in which such residences are situate as
 aforesaid :

In Ireland, to the county inspector or other chief officer of the
 police of the county in which such residences are situate as 35
 aforesaid ; and where such residences are in the Dublin metro-
 politan district, to the superintendent of police :

A.D. 1875.

And such constables and inspectors respectively shall, within three days after the receipt of such notices, cause the same to be published in manner herein-after mentioned, in their parishes or divisions respectively, and such county inspector or chief officer of a county,

Such notices
to be also
published
on church
doors, &c.

- 5 and such superintendent shall, within the time aforesaid, after the receipt of such notices, cause the same to be published by the constables of the county or district in manner herein-after mentioned; such notices shall be published by the same, or copies thereof being affixed on the doors or on the outer wall near the doors of all
10 the churches and chapels and places of public worship in their said respective parishes or divisions respectively in England and Scotland, and in each parish or place in the said county or district in Ireland; and if any parish or place have no church, chapel, or place of public worship, then in such manner as public notices are therein
15 usually made known in such parish, and on the doors or outer walls as aforesaid of all the churches, chapels, and places of public worship of some parish or place thereunto adjoining.

- Any constable or inspector of the poor, inspector or chief officer of a county, or superintendent of the Dublin metropolitan district,
20 who neglects to cause such notices to be published in manner aforesaid, shall for every such offence, on conviction thereof before two justices, forfeit a sum not exceeding *twenty pounds*.

- Any such notice so published as aforesaid shall be deemed a sufficient notice to every militiaman to whom the same applies,
25 notwithstanding any omission in notice to him by post; and any militiaman not appearing at the time and place appointed in any such notice, shall be subject to be punished and dealt with accordingly.

55. The Secretary of State may require the chief officer of police in every or any district in the United Kingdom to cause
30 to be served or published (as the case may be) within his district any notice the Secretary of State may desire to be served on any militiamen, or to be published in manner herein-before mentioned in such district.

Notices may
be required
to be served
and pub-
lished by the
police.
33 & 34 Vict.
c. 67. s. 20.
*part, ex-
tended to
publication.*

- All officers and men of every police force shall conform to the
35 orders of the said Secretary of State, in relation to the service and publication respectively of such notices, through such officer.

Application of Mutiny Act and Articles of War.

56. The Mutiny Act and Articles of War shall apply,—
40 to all persons receiving pay as members of the permanent staff of any regiment;
160.]

Application
of Mutiny
Act and
Articles of

A.D. 1875.

War to
permanent
staff,
recruits, &c.
38 & 39 Vict.
c. 7. s. 2.

to all Militia recruits and other persons in the Militia receiving pay during the period of preliminary training when the Militia battalions to which they belong are not for the time being out for training and exercise;

and to all persons in the Militia who are attached for purposes of instruction or otherwise to a portion of Her Majesty's regular forces :

And all such persons shall for the purposes of the application of such Act and Articles be deemed to be part of the regular forces, in respect of billeting, discipline, trial, and punishment, and in respect of any offence committed while such Act and Articles are so applicable, may be tried, punished, and dealt with thereunder at any time, subject nevertheless to the provisions of such Act and Articles and this Act with respect to the constitution of courts-martial.

Application of
Mutiny Act
and Articles of
War during
training and
embodiment.

As to Militia
under training,
42 G. 3. c. 90,
s. 89, part, and
see ss. 94, 95.
42 G. 3. c. 91.
s. 84, part, and
see ss. 90, 91.
(S.)

49 G. 3. c. 120.
s. 39, part, and
see ss. 48, part
and 49. (I.)
49 G. 3. c. 120.

Officers of the
army not to
sit on Militia
trials, and vice
versa.

42 G. 3. c. 90.
s. 115.

42 G. 3. c. 91.
ss. 111. (S.),

49 G. 3. c. 120.
s. 32. (I.),

altered. The

57. Subject to the provisions of this Act, the Mutiny Act and Articles of War shall, during such time as any regiment is assembled for the purpose of being trained and exercised, or is embodied, be applicable to such regiment, and the officers, non-commissioned officers, drummers, and private men thereof, and to all persons whomsoever in respect thereof as fully as such Act and Articles may be applicable to and in respect of Her Majesty's regular forces, but so that no punishment in respect of any offence committed during such time as such regiment is assembled for the purpose aforesaid shall extend to loss of life.

As to embodied Militia, 42 G. 3. c. 90. s. 111., 42 G. 3. c. 91. s. 107. (S.), s. 55. (I.)

25

58. Save as in the Mutiny Act, or Articles of War, or this Act otherwise provided, no officer serving in Her Majesty's regular forces shall sit in any court-martial upon the trial of any person serving in the Militia, nor shall any officer serving in the Militia sit in any court-martial upon the trial of any person serving in Her Majesty's regular forces.

30

Act for Ireland here referred to enables militia officers on military half pay to sit on trials of regulars.

Desertion.

59. Any militiaman who, without leave lawfully granted, or sickness certified according to any regulations under this Act,—

does not appear at the time and place appointed for preliminary training, or deserts, or absents himself before the expiration of the period for which he is required to attend for that purpose; or—

40

Men not
attending for
preliminary
training or
training, or
when embodied,
deemed de-
serters.
As to pre-
liminary
training, new.

does not appear at the time and place appointed for the training and exercise of his regiment, or deserts, or absents himself during the time of training and exercise; or—

- 5 does not, when ordered to be embodied, appear at the time and place appointed for the assembling of his regiment, and march in pursuance of any order or direction under this Act,— shall be deemed a deserter.

As to embodiment, 42 G. 3. c. 90. s. 116., part. 17 & 18 Vict. c. 13. s. 4. 42 G. 3. c. 91. s. 112, part (S.), 49 G. 3. c. 120. s. 56, part (I.)
 10 *And see 42 G. 3. c. 90. s. 127., 42 G. 3. c. 91. s. 122. (S.) as to consequences of desertion of serjeants, &c. during embodiment.*

60. The names and descriptions of all militiamen belonging to any regiment who do not appear at the time and place appointed for preliminary training, or for the training and exercise of such
 15 regiment, or who desert or absent themselves therefrom, as mentioned in the last preceding enactment, shall be notified to the Secretary of State for War, and to the constables or other officers of the parishes and places in which such militiamen reside by such officers, whether of the Militia or the regular forces, as the Secretary
 20 of State shall direct;

- and it shall be lawful for any constable or other peace officer, or any officer or soldier in Her Majesty's service or in the Militia, to apprehend any such militiaman or cause him to be apprehended, and to bring him or cause him to be brought before any justice at
 25 any time within the period of his engagement in the Militia, to be dealt with according to law, or to be committed to safe custody until an escort can be sent for him, if he be a militia recruit, or if his regiment be then out for training and exercise;

- and such justice shall transmit a report, in relation to such
 30 militiaman, to the Secretary of State for War, in such form as he may from time to time direct;

- and such Secretary of State may cause to be paid to the person or persons by whom or by whose means such militiaman was apprehended and secured such sum, not exceeding *twenty shillings*, as
 35 such Secretary of State may think fit.

61. Any militiaman required to attend for preliminary training, who for non-attendance thereat, or deserting, or absenting himself therefrom is by this Act declared to be a deserter, shall be liable, whether he have or have not been punished for his offence, to attend
 40 at such time and place as may be directed, under any regulations of the Secretary of State, for such preliminary training for the like period, for which he was originally required to attend for that purpose (notwithstanding he may have duly attended during any portion thereof), or for any less period.

[160.]

C

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As to training, 17 & 18 Vict. c. 105. s. 45. 17 & 18 Vict. c. 106. s. 58. (S.) 17 & 18 Vict. c. 107. s. 28. (I.), part in each case.

Provision for apprehension of men absent from preliminary training or training and exercise. 17 & 18 Vict. c. 105. s. 46. 17 & 18 Vict. c. 106. s. 65. (S.) 17 & 18 Vict. c. 107. s. 29. (I.) altered as to form of report and payment being permissive.

Militia recruit failing to attend recruit training liable afterwards to attend. *This is new.*

A.D. 1875.

Addition to
term of
service of
militiamen
absent from
annual
training.

22 & 23 Vict.
c. 38. s. 9.

62. Any militiaman who unlawfully absents himself during the whole of the time of training and exercise in any year, or during any part of such time exceeding fourteen days shall, whether he have or have not been punished for his offence, be liable to serve, after the expiration of the term for which he may have been 5 enlisted, or would independently of this enactment be liable to serve, for an additional year for every annual period of training and exercise from or during which he so absents himself;

and in every such case the commanding officer shall make an entry on the pay list of his absence as aforesaid, and such entry 10 shall be conclusive evidence of the fact of such militiaman having so absented himself.

Addition to
term of
service of
deserters
from em-
bodied
Militia.

23 & 24 Vict.
c. 94. s. 16.

63. Every deserter from any regiment which is embodied at the time of such desertion or afterwards, shall, whether he have or have not been punished for his offence, be liable to serve for an additional 15 period equal to the time which may have elapsed between the time of his desertion and the time when he is apprehended or voluntarily returns to his regiment; the period of such additional service to commence from the expiration of the period for which he was enlisted, or would independently of this enactment be 20 liable to serve, or from the time of his apprehension or return, which may last happen.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

Deserters
may, when
Militia not
embodied or
assembled
for training,
be proceeded
against
summarily
before jus-
tices, or tried
by court-
martial.

22 & 23 Vict.

c. 38. s. 12.

23 & 24 Vict.

c. 94. s. 15,

part, altered

so as not to

apply while

Militia is

embodied or

assembled

for training,

or to men

64. Every deserter from the Militia, and every person who under 25 this Act is deemed a deserter, shall, whenever he is apprehended, and whether his term of service have or have not expired, unless his regiment be embodied or assembled for training and exercise, at the time he is brought to trial, or his trial and punishment is other- 30 wise provided for by this Act, be tried and punished as follows; that is to say,

at any time within *one month* after his apprehension, unless it be shown to the justice or justices before whom he is proceeded against that the Secretary of State has, under the provision herein-after contained, ordered him to be tried by 35 a regimental court-martial, be tried summarily by any justice or justices in any part of the United Kingdom where he may be when summary proceedings against him are instituted, and upon summary conviction before such justice or justices such deserter or person shall forfeit any sum not less than *forty* 40 *shillings* and not more than *twenty pounds*, and in default

of payment shall be committed to the common gaol or house of correction, to be imprisoned, with or without hard labour, for any time not less than two months and not more than *six months* ;

A.D. 1875.

whose trial and punishment is otherwise provided for.

- 5 and where the Secretary of State has, under the provision herein-
after contained, ordered such deserter or person to be tried by
a regimental or detachment court-martial, such deserter or
person shall be tried by such court-martial and punished in
manner provided for the punishment of deserters by the Mutiny
10 Act and Articles of War with regard to persons subject to such
Act and Articles who are tried by district court-martial, but so
that no punishment shall extend to the loss of life.

65. The Secretary of State may from time to time, by any
general or special regulations or directions, order any such deserter
15 or person as mentioned in the last foregoing enactment, or any class
or description of such offenders, with reference to the time of their
being apprehended, or otherwise, to be tried by regimental or de-
tachment court-martial as aforesaid.

Secretary of State may make regulations, &c. for trial of deserters by court-martial.
23 & 24 Vict.
c. 94. s. 15.
residue.

Reduction to the Ranks of Non-commissioned Officers, &c.

- 20 66. Any non-commissioned officer or drummer, including mem-
bers of the permanent staff, but not men belonging to the regular
forces attached to the permanent staff, may, by sentence of a court-
martial, be reduced to the condition of a private militiaman.

Non-commissioned officers and drummers may be reduced to the ranks.

- 25 42 G. 3. c. 90. s. 105. part. 42 G. 3. c. 91. s. 101. part. (S.) 17 & 18 Vict.
c. 106. s. 57. part. (S.) 49 G. 3. c. 120. s. 34. part. (I.) all altered.

*Court-martial after Periods of Training and Embodiment for
Offences then committed.*

67. Every officer, non-commissioned officer, drummer, and
private man who, during the period of training and exercise, or
30 during the period of his regiment being embodied, has been guilty
of any offence against any Act in force for the punishment of
mutiny and desertion, or any Articles of War made in pursuance
thereof, may be tried by a court-martial, and if found guilty may
be punished for such offence, although he have been dismissed from
35 training and exercise, or his regiment have been disembodied, in
like manner as he might be tried and punished during the period
of training and exercise or being embodied :

Offences committed while Militia are assembled for training, or embodied, may be afterwards tried by court-martial ;

A.D. 1875.

but charges
to be made
out and deli-
vered within
six months
after train-
ing or being
disembodied.

Provided always, that, save as in this Act otherwise provided, no officer, non-commissioned officer, drummer, or private man shall be tried or punished as aforesaid after he has been dismissed from training and exercise, or after his regiment is disembodied, unless the charges against such officer, non-commissioned officer, drummer, 5 or private man have been made out and delivered within six months after he has been dismissed from training and exercise, or after his regiment has been disembodied.

55 G. 3. c. 168, ss. 1, 2. (U.K.) 17 & 18 Vict. c. 106. s. 52, part, s. 53. (S.), and see 22 & 23 Vict. c. 38. s. 12. (U.K.)

Courts-martial
when Militia
neither em-
bodied nor
assembled for
training.

*55 G. 3. c. 168.
s. 3. (U.K.)
56 G. 3. c. 64.
s. 4. (G.B.)
17 & 18 Vict.
c. 106. s. 55,
part (S.)
altered.*

Regimental
or detach-
ment
courts-mar-
tial may be
appointed.

*55 G. 3. c. 168.
s. 4. (U.K.)
56 G. 3. c. 64.*

Conse-
quences of
officers not
attending.

Pay and allow-
ance to officers.

*55 G. 3. c. 168.
ss. 3, 4. (U.K.)
56 G. 3. c. 64.
s. 4. (G.B.)
17 & 18 Vict.
c. 106. ss. 55, 56,
part (S.), 23 &*

Court-mar-
tial how to
proceed.

*55 G. 3. c. 168.
ss. 3, 4. (U.K.)
56 G. 3. c. 64.
s. 4. (G.B.)
17 & 18 Vict.
c. 106. s. 55,
part (S.)*

68. Whenever during the time a regiment is neither embodied nor assembled for training and exercise, it is necessary that a general, district or garrison court-martial should be held, it shall be lawful for Her Majesty to give the necessary directions for the holding of such court, and the officers required to form the court 15 shall attend and form the same accordingly.

69. For holding a regimental or detachment court-martial during the time a regiment is neither embodied nor assembled for training and exercise, in any case in which such court-martial is proper, it shall be lawful for the commanding officer of the regiment to appoint 20 any place which he thinks fit, and to order any officers of such regiment to attend and assist as members of such court-martial, who shall thereupon attend at the time required, and assist accordingly.

s. 4. (G.B.) 17 & 18 Vict. c. 106. s. 56, part (S.) altered.

70. All officers who refuse or neglect to attend any such court- 25 martial as aforesaid shall be liable to be tried by a general court-martial, to be assembled according to this Act, for such disobedience of orders ;

and all officers attending to form any such court shall be entitled to pay during such attendance, and to such allowances for their 30 travelling expenses in going to such court-martial and returning therefrom as the Secretary of State may by any regulations from time to time direct.

24 Vict. c. 94. s. 19. (U.K.)

71. Every court-martial appointed as aforesaid shall be 35 sworn and held in the same manner as if the Militia were embodied at the time of holding the said court-martial, and shall have the like powers and be of the same effect in all respects as if the Militia from which the officers thereof are assembled was then embodied, save as in this Act otherwise provided. 40

Consequences of fraudulent Re-enlistment in Militia.

A.D. 1875.

72. If any militiaman before the expiration of his engagement as a militiaman in any regiment enlist or offer to enlist himself in any other regiment of Militia raised in any part of the United Kingdom, or in the same regiment, (save in the way of lawful renewal of his engagement,) whether by the same or by different names, he shall be deemed a deserter.

Fraudulent re-enlistment to be deemed desertion.

22 & 23 Vict. c. 38. s. 10.

See also 42 G. 3. c. 90. s. 64., 42 Geo. 3. c. 91. s. 59 (S.) 49 Geo. 3. c. 120. s. 63. (I.) 57 G. 3. c. 57. s. 3.

73. If any militiaman before the expiration of his engagement enlist or offer to enlist himself as a militiaman as aforesaid, he may, by order of the Secretary of State, be required to serve in any regiment of Militia in which he may have fraudulently enlisted or offered to enlist himself, and shall thereupon be liable to serve in such regiment, for the same term and in the same manner as if his enlistment therein had been lawful, or he had been lawfully enlisted pursuant to his offer;

Militiamen fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.

22 & 23 Vict. c. 38. s. 11.

and such order may be made upon any such militiaman in lieu of or in addition to any punishment to which he may be otherwise liable, whether he may have been tried by a court-martial or before a justice;

and every such offender shall forfeit all bounty (if any) due or which would have become due to him, and shall be subjected to such stoppages from his daily pay, and for such time, and to be applied in such manner, as the Secretary of State may direct, to meet the loss or expense occasioned by the fraudulent conduct of the offender.

74. The justice before whom a militiaman is convicted of having enlisted or offered to enlist himself in another regiment of Militia, or more than once in the same regiment, shall send or cause to be sent to the Secretary of State for War, a report of such conviction, stating the name of such militiaman, the regiment to which he belongs, the offence of which he has been convicted, and the sentence or decision of the justice thereon, and where such militiaman is imprisoned in pursuance of such conviction, the period when the imprisonment will expire:

The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

17 & 18 Vict. c. 105. s. 41. 17 & 18 Vict. c. 106. s. 60.

(S.), which omits the last par. of this clause.

17 & 18 Vict. c. 107. s. 24. (I.)

For such report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; and the Secretary of State may cause to be paid to the person or persons by whom or by whose means the offender was apprehended and his conviction

[160.]

C 3

A.D. 1875. obtained such sum not exceeding *twenty shillings* as the Secretary of State may think fit.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

Enlistment
or entry of
a militiaman
into land or
sea forces
void.

42 G.3. c. 90.
s. 64, part.
42 G.3. c. 91.
s. 59, part (S.)
49 G.3. c. 120.
s. 63, part (I.)

75. If any person knowingly enlist or enter any militiaman in Her Majesty's regular forces or royal marines, or into Her Majesty's Navy, or in or into any of Her Majesty's reserve or auxiliary forces, other than the Militia, except where by law authorised so to do, the enlistment or entry shall, save as herein otherwise provided, be null and void : 5

And if any militiaman enlisting or entering into any of the forces lastly herein-before mentioned deny or do not disclose to the person enlisting or entering him that he belongs to the Militia, he shall be deemed to have enlisted or entered fraudulently. 10

Fraudulent
enlistment
or entry into
land or sea
forces by
militiaman
punishable
as desertion.
Militiamen
enlisting or
entering may
be put under
stoppages,
&c. instead
of being tried
by court-
martial as
deserters.

23 & 24 Vict.
c. 94. s. 18.
38 & 39 Vict.
c. 7. (*Mutiny
Act*) s. 50,
part, and
c. 8. (*Marine
Mutiny*)
s. 67.; and see
42 G.3. c. 90.
s. 64.
42 G.3. c. 91.
s. 59. (S.)
49 G.3. c. 120.
s. 63. (I.)

76. If any militiaman fraudulently enlist or enter into any of the forces lastly herein-before mentioned, he shall be liable to be tried by court-martial and punished as for desertion from the service into which he has fraudulently enlisted or entered : 15

Provided always, that it shall be lawful for the Secretary of State to give such general directions as may from time to time appear to him necessary for placing any militiaman fraudulently enlisting or entering as aforesaid under stoppage of one penny a day of his pay for eighteen months in lieu of his being tried by court-martial as aforesaid, and in case such militiaman belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days; and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his Militia regiment, or be deemed to belong to the force in which he fraudulently enlisted or entered, in the same manner as if he had not been a militiaman at the time of his attestation or entry, in which latter case his service under such attestation or entry shall not be reckoned for pension, until the day on which his engagement for the Militia would have expired unless otherwise ordered under the Mutiny Act or other authority. 20 25 30 35

Where under such direction as aforesaid such militiaman is to belong to the force in which he fraudulently enlisted or entered, from the time of his attestation or entry, he shall be deemed released from further service in the Militia under his enrolment. 40

17 & 18 Vict. c. 106. s. 61. part (S.) 17 & 18 Vict. c. 107. s. 25. part (I.)

A.D. 1875.

77. The Secretary of State may, from time to time, by any general or special regulations or directions, authorise the enlistment of militiamen in Her Majesty's regular forces; and militiamen enlisting therein in conformity with such regulations or directions shall be declared discharged from the militia.

Permissive enlistment of militiamen in the regular forces.
23 & 24 Vict.
c. 94. s. 17.
Altered.

78. If any person enlist in the Militia any man who is enrolled in the Reserve Force established under the Reserve Force Act, 1867, or any Act repealing or amending the same, the enlistment of such man in the Militia, unless the same be authorised by the Secretary of State, shall be null and void;

Provision against enlistment in Militia of men belonging to the Reserve Force.
New clause.

and any such man enlisting or offering to enlist himself in the Militia, without the authority of the Secretary of State, shall, in addition to any other punishment to which he may be liable, forfeit any sum not exceeding forty shillings, to be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding;

and any person knowingly enlisting any such man in the Militia shall forfeit any sum not exceeding *twenty pounds*.

Provision as to Servants enrolled.

79. If any servant whatever, hired by the year or otherwise, be enlisted as a militiaman by virtue of this Act, such enlistment shall not vacate or rescind the contract or alter the engagement between such servant and his master or employer, unless the Militia of the county for which such servant is enlisted be embodied under this Act, or unless such person so enlisted leave the service of his master or employer for the purpose of preliminary training or training and exercise in pursuance of this Act, and do not return again to the same service at the end of the period of preliminary training or training and exercise, or as soon after as reasonably may be, but his master or employer shall be entitled to an abatement from his wages in proportion to the duration of his absence from his said service;

Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c.:

and in every such case where any dispute arises between such servant and his master or employer touching any money due to such servant on account of service performed before his departure from service, by reason of the embodiment of the Militia in which he is enlisted, or touching any abatement to be made by such servant by reason of his absence for preliminary training or training and exercise, and the sum in question does not exceed the sum of twenty pounds, the same may be determined as follows:

and if any dispute arise touching wages affecting a sum under 20*l.* a justice may settle it in a summary way.
42 G. 3. c. 90.
s. 61.

A.D. 1875.

17 & 18 Vict.
c. 106. s. 70.
(S.) and see
42 G. 3. c. 91.
s. 56. (S.)
49 G. 3. c. 120.
s. 122. (I.)

In England or Ireland, any justice for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, and make such order for the payment of so much wages to such servant as, having regard to the service he has performed, or the duration of his absence 5 from his service (as the case may require), may to such justice seem just and reasonable :

In Scotland, the sheriff of the county or any two or more justices for the county or place where such master or employer is resident may hear and determine the dispute in a summary 10 way, in like manner as if the sum claimed were within the amount to which their jurisdiction under the Acts for the recovery of small debts respectively for the time being extends, and to grant warrant for the recovery of the sum decerned for by poinding and sale in common form. 15

Penalties for harbouring Deserters.

Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

42 G. 3. c. 90.
ss. 110, 116.
part.
42 G. 3. c. 91.
ss. 106, 112.
(S.)
49 G. 3. c. 120.
ss. 43, 56. (I.)

80. If any person by words or other means persuade any militiaman improperly to absent himself from his duty, or assist or procure any militiaman improperly to absent himself as aforesaid, or conceal, employ, or continue to employ any militiaman, knowing 20 him to be so improperly absent, he shall for every such offence where the Militia to which such man belongs is not embodied, forfeit a sum not exceeding *twenty pounds*, and where such Militia is embodied forfeit a sum not exceeding *one hundred pounds*.

The Mutiny Act shall not apply to any offence punishable under 25 this section.

17 & 18 Vict. c. 105. s. 47. 17 & 18 Vict. c. 106. s. 66. (S.) 17 & 18 Vict. c. 107. s. 30. (I.)

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports. 30

As to Berwick-upon-Tweed. See 42 G. 3. c. 90. s. 149, and see 17 & 18 Vict. c. 105. s. 30.

81. For the purposes of this Act the borough and town of Berwick-upon-Tweed shall be deemed to be situate within the county of Northumberland.

Militia of Isle of Wight. See 42 G. 3. c. 90. s. 150.

82. Save with respect to the appointment of officers the Militia 35 of the Isle of Wight shall be deemed a part of the Militia of the county of Southampton; but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise order and direct.

83. The liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower Hamlets, shall be deemed a separate county for the purposes of this Act.

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Militia of the
Tower
Hamlets.
15 & 16 Vict.
c. 50. s. 35.

5 84. The city of London shall be deemed a separate county for the purposes of this Act, save that nothing in this Act concerning the appointment of lieutenants and deputy lieutenants of counties shall apply to the said city.

Militia of
the city of
London.
See 1 G. 4.
c. 100.

10 85. A regiment of miners shall continue to be raised for the counties of Cornwall and Devon as part of the Militia of the United Kingdom, and the provisions of this Act shall be applicable for raising such regiment, and otherwise in relation thereto, in like manner as to the Militia of a separate county.

Miners of
Cornwall
and Devon.
See 42 G. 3.
c. 72.
51 G. 3.
c. 114.

15 15 & 16 Vict. c. 50. s. 35. 17 & 18 Vict. c. 105. s. 54.
18 & 19 Vict. c. 1. s. 16.

86. Militia shall be raised and kept up for the Cinque Ports, two ancient towns, and their members, as part of the Militia of the United Kingdom, but separate from the Militia of the several counties within which the said ports, towns, and members are situate; and the provisions of this Act shall be applicable for raising the Militia of the said ports, towns, and members, and otherwise in relation thereto, as to the Militia of a separate county.

Provision
as to the
Cinque
Ports.
42 G. 3. c. 90.
s. 155.

Royal Warrants, &c. as to Pay, &c.

25 87. Subject to the provisions of this Act and any other Act of Parliament for the time being in force, Her Majesty may, by royal warrants, orders, and regulations, give directions as to the bounty pay, promotion, clothing, and government of the Militia, and as to other matters and things relating to the Militia in the same manner and to the same extent in and to which Her Majesty may, by royal warrants, orders, and regulations, give directions as to the pay, promotion, and government of Her Majesty's regular forces, and other matters and things relating to Her Majesty's regular forces.

Power to
Her Majesty
to regulate
the Militia
by warrants
and regu-
lations, &c.
37 & 38 Vict.
c. 29. s. 2.

Recovery and Application of Penalties.

35 88. Every pecuniary penalty imposed by this Act exceeding the sum of twenty pounds shall be recovered by action in any of Her Majesty's Superior Courts of Law at Westminster or in Dublin, or any court substituted for the same respectively, or in the Courts of Session in Scotland.

Recovery of
penalties.
42 G. 3. c. 90.
s. 176.
42 G. 3. c. 91.
s. 172. (S.)

A.D. 1875.

49 G. 3. c. 120.
s. 143. (I.)

17 & 18 Vict.

c. 105. s. 49.

18 & 19 Vict.

c. 19. s. 7. (I.)

17 & 18 Vict.

c. 106. s. 71.

(S.)

11 & 12 Vict.

c. 43.

14 & 15 Vict.

c. 93.

And any other pecuniary penalty imposed by this Act, the recovery of which is not herein otherwise provided for, shall be covered as follows,—

In England or Ireland, such pecuniary penalty shall be recovered by summary proceedings before any justice in or near to the place where the offence was committed, or where the offender may at any time be, under the Act of the eleventh and twelfth years of Her Majesty, chapter forty-three, or any Act amending the same (as to England), or under the Act of the fourteenth and fifteenth years of Her Majesty, chapter ninety-three (as to Ireland):

In Scotland, any such pecuniary penalty shall, on conviction of the offence in any action or complaint at the instance of the procurator fiscal of the county where the offence is committed, or where the offender may at any time be, or at the instance of any party to whom the same or part thereof is made payable, or the performance of whose duty under this Act may require the enforcement of the provisions in respect of the breach of which such penalty is imposed, with the concurrence of the procurator fiscal, before the sheriff, or any two or more justices of such county, be levied by poinding and sale of the offenders goods and effects by warrant under the hands of such sheriff or justices, or by imprisonment for any time not exceeding *three months*.

It shall not be lawful for any justice to mitigate any penalty for any offence against this Act below any limit fixed by this Act, any power contained in any Act to the contrary notwithstanding.

“The Small Penalties Act, 1865,” or any Act amending or substituted for the same, shall not apply to any penalty imposed under this Act in respect to which any period of imprisonment is herein specified.

Justices may grant warrants for the citation of witnesses.
17 & 18 Vict.
c. 106.
s. 75. (S.).

Application of certain penalties.

17 & 18 Vict.

c. 105. s. 50.

17 & 18 Vict.

c. 106. s. 73.

(S.)

89. In all cases in the execution of this Act in Scotland, when any matter or thing is directed to be inquired of or examined into before justices, such justices may grant warrant for the citation of witnesses, and administer oaths to witnesses, with the same powers as justices have under the Acts for the recovery of small debts.

90. *One moiety* of every pecuniary penalty imposed under this Act upon any person assisting, procuring, or persuading any militiaman improperly to absent himself from his duty, or concealing, employing, or continuing to employ any such militiaman, knowing him to be so improperly absent, shall go to the person who informs or sues for the same, and the other moiety, or where the offence is

proved by the person who informs then the whole of the penalty, shall be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding ;

The existing enactments apply also to penalties for buying, &c. arms, &c. As to this, see note, ante, p. 24.

A.D. 1875.
17 & 18 Vict.
c. 107. s. 33.
(I.)

5 91. Every justice who adjudges any penalty under this Act, all or any part of which is applicable as the Secretary of State may direct, shall, within four days, report the same, and his adjudication thereof, to the Secretary of State for War.

Justice to report to Secretary of State. See references in preceding clause.

10 92. All pecuniary penalties imposed by this Act upon militia-men (except the stoppages from pay herein-before provided for, and except forfeiture of bounty, which shall be brought to public credit,) and all other pecuniary penalties imposed by this Act, the application of which is not herein otherwise provided for, shall, notwithstanding anything in any Act to the contrary, be paid to
15 the commanding officers of the respective regiments to which the offenders belong, and shall be made and accounted for as part of the public stock of such regiments respectively.

Application of penalties on militia-men.
42 G. 3. c. 90. s. 176.
42 G. 3. c. 91. s. 172. (S.)
17 & 18 Vict. c. 105. s. 51.
17 & 18 Vict. c. 106. s. 74. (S.)

Savings for Civil Rights.

20 93. The acceptance of a commission in the Militia shall not vacate the seat of any member returned to serve in Parliament.

seats in Parliament. 42 G. 3. c. 90, s. 172. 42 G. 3. c. 91. 49 G. 3. c. 120. s. 34. (I.)

Commissions in Militia not to vacate
s. 167. (S.)

25 94. No officer, non-commissioned officer, drummer, or private man of the Militia shall be liable to any penalty or punishment for or on account of his absence during the time he is going to vote at any election of a member to serve in Parliament, or during the time he is returning from such election.

Voters going to elections of members not punishable for absence.
42 G. 3. c. 90. s. 173. 42 G.

3. c. 91. s. 168. (S.) 49 G. 3. c. 120. s. 62. (I.) *The enactment for Ireland is more restrictive than this, which follows the E. & S. enactments.*

30 95. No man by reason of his enlistment or service in the Militia shall lose or forfeit, or be deemed to have lost or forfeited, any interest he may possess, or may have possessed at the time of his so being enrolled or serving, in any friendly or benefit society, any laws, rules, or regulations of such society to the contrary notwith-
35 standing ;

Enlistment in Militia not to cause forfeiture of any interest in any friendly or benefit society.

and in case any dispute arise between any such society and any such man by reason of such enrolment or service, the same shall be heard and determined by the county court as if the same were a dispute directed to be so heard and determined by section forty-one

17 & 18 Vict. c. 105. s. 44.
17 & 18 Vict. c. 106. s. 69. (S.)
17 & 18 Vict.

c. 107. s. 27.
(I.)

*altered so as
to adapt it to
the under-
mentioned
Act.*

18 & 19 Vict.
c. 63. s. 41.
s. 47.

of the Act of the eighteenth and nineteenth years of Her Majesty, chapter sixty-three.

Provided always, that nothing in this enactment shall affect section forty-seven of such last-mentioned Act.

In case any Act be passed in or after the present session repealing the above-mentioned sections of the said Act, then this enactment shall have reference to the substituted enactments (if any).

Exemptions from Civil Offices.

If sheriff be
a Militia
officer under
sheriff
answerable
for him when
Militia is
embodied.
2 & 3 Vict.
c. 59.

96. If any sheriff be an officer of the Militia at any time when the Militia of which he is such officer is embodied, he shall be discharged from personally performing the office of sheriff while the Militia remains embodied, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff, during the same time; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the Queen, her heirs and successors, and to all persons whomsoever, for the due performing of his office during such time.

Officers, &c.
not liable to
serve as
peace offi-
cers, &c.
42 G. 3. c. 99.
s. 174. 42 G.

97. No officer, non-commissioned officer, drummer, or private man of the Militia shall be compelled to serve as a peace officer or parish officer, or, in Scotland, to perform any highway duty, commonly called statute work.

3. c. 91. s. 169. (S.), 49 G. c. 120. s. 29. (I.)

No Certiorari, &c. Limitation of Actions, &c.

Proceedings
not to be
removed, &c.
42 G. 3. c. 90.
s. 177.
42 G. 3. c. 91.
s. 173. (S.),

98. No conviction, decree, act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be removed into any court or superseded by certiorari, advocation, suspension, or otherwise, or be subject to any sist of execution.

17 & 18 Vict. c. 106. s. 72. (S.), 49 G. 3. c. 120. s. 146. (I.), altered.

Limitation of
actions.

99. If any action or suit be brought against any person for anything done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and in England shall be laid in the county or place where the cause of complaint arose; and in England the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and in England or Ireland if the jury find for the defendant in any such action or suit, or if the plaintiff be nonsuit, or discontinue his action or suit after the defendant has appeared, or if upon demurrer judgment be given against the plaintiff, the defendant shall receive

General
issue.

such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about such action or suit as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs
 5 by such officer, and shall have the like remedy for the same as any defendant has in other cases to recover costs by law, and in Scotland if the defender be assoilzied he shall have decree for three times his expenses in the action, and have the like remedy for the same as any defender has in other cases to recover expenses by the law of
 10 Scotland.

A.D. 1875.

Full costs.

42 G. 3. c. 90.

s. 178.

42 G. 3. c. 91.

s. 174. (S.)

17 & 18 Vict.

c. 106. s. 77.

(S.)

49 G. 3. c. 120.

s. 147. (I.)

5 & 6 Vict.

c. 97. s. 2.

Repeal of Acts.

100. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in such schedule specified ;

Repeal of
existing
Acts.

but such repeal shall not revive any enactment or, save as herein
 15 otherwise provided, affect any past act, or any existing right or title, or any remedy in respect thereof, or the proof of any past act ;

and all existing orders and directions in relation to the organization of the Militia, the uniting of the Militia, or portions of the
 20 Militia, of two or more counties, or otherwise, which may have been made or given under any enactment hereby repealed, and all existing regulations made under any enactment hereby repealed, shall be of the same force and effect as if made under this Act ;

Saving for
existing
orders, com-
missions,
terms of
service, &c.
See 42 G. 3.
c. 90. ss. 1,
15, 16.
15 & 16 Vict.
c. 50. s. 7.

and every existing commission and appointment shall be of the
 25 same force and effect for the execution and for all the purposes of this Act, and shall be revocable, in like manner as if the same were granted hereunder ; and the several non-commissioned officers, drummers, and private militiamen serving or liable to serve at the time of the passing of this Act shall be liable and continue to serve
 30 in the same manner and for the same period as if this Act had not been passed, but otherwise shall be subject to the provisions of this Act, and shall be deemed while serving part of the quotas directed to be raised under this Act for their several counties, and their service before the passing of this Act shall be reckoned as if the
 35 same had taken place hereunder ;

and any offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed ;

and any unrepealed Act of Parliament in which reference is made
 40 to any provisions hereby repealed shall be construed as if in such

A.D. 1875.

—

first-mentioned Act reference had been made to the corresponding provisions of this Act.

Saving of
ballot pro-
visions.

101. The number or quotas of men to be raised by ballot in any part of the United Kingdom shall not be altered by or under this Act; and nothing in this Act shall otherwise affect the provisions for the raising of men by ballot.

5

SCHEDULE. See Clause 100.

—

ACTS REPEALED WHOLLY OR IN PART.

Session and Chapter.	Title.	Extent of Repeal.

This Schedule will be supplied in Committee.

Militia Laws Consolidation and Amendment.

A

B I L L

To consolidate and amend certain Laws relating to the Militia of the United Kingdom.

(*Prepared and brought in by*
Mr. Secretary Hardy, the Judge Advocate,
and Mr. Stanley.)

Ordered, by The House of Commons, to be Printed,
10 May 1875.

[Bill 160.]

Under 5 oz.

Militia Laws Consolidation and Amendment Bill.

[AS AMENDED IN COMMITTEE.]

NOTE.

The following Bill, speaking generally, is based upon the Bill laid before Parliament in 1867, subject to the important modifications about to be noticed.

Since the Bill of 1867 was prepared several Acts have been passed greatly altering the law relating to the Militia, more particularly "The Regulation of the Forces Act, 1871," by which Act the lieutenants of counties are divested, with some small exception, of all powers over the Militia, save in relation to the raising the Militia by ballot, and those powers are re-vested in the Crown.

As the ballot has not been resorted to since the Militia was revived in 1852, or indeed for many years previously, it has been deemed advisable, having regard to the recent changes that have been referred to, to consolidate in one Bill the law relating to the Militia raised in the three parts of the Kingdom while it is raised by voluntary enlistment. The law relating to raising the Militia by ballot is left on the existing enactments.

The object of the following Bill is to effect this consolidation, with such modifications as have been suggested either by experience of the working of the existing enactments or in the process of consolidation.

These modifications, where deemed of importance, are specially noticed in the italic notes at the side or foot of the clauses, and the existing enactments on which the clauses are framed are noticed in italics in the margin, and any departure from them is generally indicated in the same manner.

This note forms no part of the Bill, and, with the italic entries referred to above, is intended to be struck out at a late stage of the Bill.

Militia Laws Consolidation and Amendment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Short Title. Interpretation.

Clauses.

1. Short title.
2. Interpretation of terms.

Appointment and powers of Lieutenants and Deputy Lieutenants of Counties.

3. Appointment of lieutenants of counties, and certain towns, &c.
4. Appointment of deputy lieutenants.
5. Appointments to be subject to Her Majesty's or Lord Lieutenant's approbation.
6. Number of deputy lieutenants.
7. Provision for absence or disability of lieutenant.
8. Vice-lieutenants may be appointed.
9. Property qualifications for deputy lieutenants. Income of personal estate in possession to be deemed equivalent to the yearly value of land.
10. Qualification to be delivered to clerk of the peace or clerk of supply.
11. Clerk of the peace or clerk of supply to send copies of qualifications to lieutenant, and enter same on a roll, and insert in Gazette dates of commissions, &c.
12. Return to Secretary of State and Parliament.
13. Penalty for acting as deputy lieutenant, &c., without being qualified, &c.
14. Acts of persons not qualified to be valid.
15. Displacement of deputy lieutenants.
16. Commissions not to be vacated by revocation of appointment of grantor.
17. Powers, &c. of lieutenants and deputy lieutenants.

Number and Quotas of Militia.

Clauses.

18. Militia while ballot suspended to be raised under this Act.
Their number.
19. Quotas.

Formation of Regiments. Uniting of Militia.

20. Her Majesty may direct into what regiments Militia shall be formed, and with what officers and staff. Power to unite portions of Militias of counties to form artillery corps.

Appointment of Officers, &c.

21. Appointments and commissions of officers.
22. Rank of officers accepting commissions in other regiments.
23. Permanent staff.
24. Men from the army may be attached to permanent staff.
25. Extra musicians may be kept at the expense of the commanding officer.
26. Persons disqualified for permanent staff, &c.
27. Pensions preserved.
28. Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.

Command.

29. Command of Militia in the absence of superior officer.

Raising the Men.

30. Men how to be raised.
31. Provisions of Mutiny Act concerning recruits applied to recruits for the Militia.
32. Enlistment of men to serve for six years.
33. Re-engagement.
34. Militiamen not to claim discharge on ground of error, &c. in enlistment, &c.

Discharge of Men.

35. Power to Secretary of State to discharge Militiamen.

Drill, Training, and Exercise.

Clauses.

36. Training of Militia recruits.
37. Command and discipline of Militia recruits.
38. Officers and non-commissioned officers may voluntarily be attached to the army for instruction.
39. Period and times and places of training and exercise.
40. Time of training may be extended by Her Majesty after Militia is called out.
41. Her Majesty may, by Order in Council, extend or reduce the period of training, or suspend training in any year.
42. Power to attach officers of regular forces to Militia regiments during training.
43. Time of drill not to be reckoned, &c.

Embodying of the Militia.

44. In what event and how Militia to be embodied.
45. Parliament to be assembled within ten days, when Militia is ordered to be embodied.
46. Where part only of Militia embodied in first instance further part may be embodied afterwards.
47. When all the Militia of a county is embodied, all officers, &c. to join.
48. Provision for case of part only of Militia of a county being embodied.
49. Militia not to be ordered out of United Kingdom.
50. Her Majesty may accept voluntary offers of Militia to serve in the Channel Islands, Isle of Man, Malta, and Gibraltar.
51. Disembodying of Militia.
52. Militia after being disembodied to be subject to former engagements.

Provisions common to Training and Exercise and Embodiment.

53. Militia may be placed under general officers during training or embodiment.
54. Notices of times and places of exercise and for meeting on embodiment to be sent by post. Such notices to be also published on church doors, &c.
55. Notices may be required to be served and published by the police.

Application of Mutiny Act and Articles of War.

Clauses.

56. Application of Mutiny Act and Articles of War to permanent staff, recruits, &c.
57. Application of Mutiny Act and Articles of War during training and embodiment.
58. Officers of the army not to sit on Militia trials, and vice versa.

Desertion.

59. Men not attending for preliminary training or training, or when embodied, deemed deserters.
60. Provision for apprehension of men absent from preliminary training or training and exercise.
61. Militia recruit failing to attend recruit training liable afterwards to attend.
62. Addition to term of service of militiamen absent from annual training.
63. Addition to term of service of deserters from embodied Militia.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

64. Deserters may, when Militia not embodied or assembled for training, be proceeded against summarily before justices, or tried by court-martial.
65. Secretary of State may make regulations, &c. for trial of deserters by court-martial.

Reduction to the Ranks of Non-commissioned Officers, &c.

66. Non-commissioned officers and drummers may be reduced to the ranks.

Court-martial after Periods of Training and Embodiment for Offences then committed.

67. Offences committed while Militia are assembled for training, or embodied, may be afterwards tried by court-martial; but charges to be made out and delivered within six months after training or being disembodied.
68. Courts-martial when Militia neither embodied nor assembled for training.
69. Regimental or detachment courts-martial may be appointed.

Clauses.

70. Consequences of officers not attending. Pay and allowance to officers.
71. Court-martial how to proceed.

Consequences of fraudulent Re-enlistment in Militia.

72. Fraudulent re-enlistment to be deemed desertion.
73. Militiamen fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.
74. The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

75. Enlistment or entry of a militiaman into land or sea forces void.
76. Fraudulent enlistment or entry into land or sea forces by militiaman punishable as desertion; militiamen enlisting or entering may be put under stoppages, &c. instead of being tried by court-martial as deserters.
77. Permissive enlistment of militiamen in the regular forces.
78. Provision against enlistment in Militia of men belonging to the Reserve Force.

Provision as to Servants enrolled.

79. Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c.; and if any dispute arise touching wages affecting a sum under 20*l.* a justice may settle it in a summary way.

Penalties for harbouring Deserters.

80. Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

81. As to Berwick-upon-Tweed.
82. Militia of Isle of Wight.
83. Militia of the Tower Hamlets.

Clauses.

- 84. Militia of the city of London.
- 85. Miners of Cornwall and Devon.
- 86. Provision as to the Cinque Ports.

Royal Warrants, &c. as to Pay, &c.

- 87. Power to Her Majesty to regulate the Militia by warrants and regulations, &c.

Recovery and Application of Penalties.

- 88. Recovery of penalties.
- 89. Justices may grant warrants for the citation of witnesses.
- 90. Application of certain penalties.
- 91. Justice to report to Secretary of State.
- 92. Application of penalties on militiamen.

Savings for Civil Rights.

- 93. Commissions in Militia not to vacate seats in Parliament.
- 94. Voters going to elections of members not punishable for absence.
- 95. Enlistment in Militia not to cause forfeiture of any interest in any friendly or benefit society.

Exemptions from Civil Offices.

- 96. If sheriff be a Militia officer under sheriff answerable for him when Militia is embodied.
- 97. Officers, &c. not liable to serve as peace officers, &c.

No Certiorari, &c.—Limitation of Actions, &c.

- 98. Proceedings not to be removed, &c.
- 99. Limitation of actions ; general issue ; full costs.

Repeal of Acts.

- 100. Repeal of existing Acts ; saving for existing orders, commissions, terms of service, &c.
- 101. Saving of ballot provisions.

SCHEDULE.

A
B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend certain Laws relating to the Militia of A.D. 1875.
the United Kingdom.

WHEREAS it is expedient that certain laws applicable to the Militia of the United Kingdom, while the same is raised by voluntary enlistment, should be consolidated and amended :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short Title. Interpretation.

1. This Act may be cited as "The Militia (Voluntary Enlistment) Short title.
10 Act, 1875."

2. In this Act—

The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction :

15 "The Secretary of State" means one of Her Majesty's Principal Secretaries of State :
"The Secretary of State for War" means Her Majesty's Principal Secretary of State for the time being for the War Department :

20 "The Lord Lieutenant" means the Lord Lieutenant of Ireland and includes the lords justices or other chief governors or governor of Ireland for the time being :

"County" means county at large, or riding, or part of any such county for which a distinct quota of militiamen is now appointed,
25 and the cities of Edinburgh, Dublin, Cork, and Limerick respectively, inclusive of all cities and towns being counties of themselves which are locally situate within any such county, riding, or part other than the cities herein-before particularly mentioned :

30 "Parish" includes a place annexed to a parish for all civil parochial purposes as if the same were part of the parish to which it is annexed :

[Bill 202.]

A

Interpretation of terms.

This clause follows in the main the interpretation clause in the Militia (England) Bill of 1867.

23 & 24 Vict. c. 120. s. 7. not followed. See 29 & 30 Vict. c. 113. s. 18. 31 & 32 Vict. c. 122. s. 27.

A.D. 1875.

S. 4 § 33 Vict.
c. 86. s. 79.

“Lieutenant” means Her Majesty’s Lord Lieutenant of any county, and includes any Vice-Lieutenant, also, save as herein otherwise provided, the Commissioners of Lieutenancy of the city of London, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the Warden of the Stannaries, 5 the Constable of the Tower, and any other officer or officers however named having a jurisdiction in relation to the Militia similar to that of the Lord Lieutenant of a county :

“Commanding officer” means colonel (except an honorary colonel), lieutenant-colonel, commandant, or major, according 10 to the establishment of the regiment :

“Captain” includes any other commanding officer of a company :

“Justice” means justice of the peace :

“Militia” means the regular Militia of the United Kingdom :

“Regiment” means regiment of Militia, and includes battalion, 15 corps, and company :

“Permanent staff” means the adjutant and such other commissioned officers and such non-commissioned officers and drummers as may for the time being be commissioned or attested thereto : 20

“Non-commissioned officer” includes corporal, lance corporal, and bombardier :

“Drummer” includes a musician of any kind receiving pay in the Militia :

Any expression meaning or referring to any officer, non-com- 25 missioned officer, or drummer means such officer, non-commissioned officer, or drummer, in the Militia :

“Mutiny Act” means the Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force : 30

“Articles of War” means the Articles of War for the time being in force under the authority of the Mutiny Act :

“Royal warrant” includes any Act of Parliament having by law the same effect as if embodied in a Royal Warrant.

Appointment and Powers of Lieutenants and Deputy Lieutenants 35 of Counties.

Appoint-
ment of lie-
tenants of
counties,
and certain
towns, &c.*

3. It shall be lawful for Her Majesty with regard to Great Britain, and for the Lord Lieutenant, with regard to Ireland, from time to time to appoint lieutenants for the several counties in the United Kingdom, and for the town and county of the town of 40 Haverfordwest, the county of the city of Waterford, and the town and county of the town of Galway.

* 42 G. 3. c. 90. ss. 2, 5, and see s. 19 (repealed). 42 G. 3. c. 91. s. 1. (S.) 17 § 78 Vict. c. 106. s. 2. (S.) 1 § 2 W. 4. c. 17. s. 1. (1.)

4. Subject to the other provisions of this Act the lieutenants shall from time to time appoint such persons as they think fit, living within their respective counties, cities, or towns, to be their deputy lieutenants.

A.D. 1875.
Appoint-
ment of
deputy lieu-
tenants.*

5 [The provision in 46 G. 3. c. 90. s. 45., applying only to England, as to the rank a deputy lieutenant shall hold, is omitted.]

* 42 G. 3. c. 90. ss. 2, 5. 42 G. 3. s. 91. s. 1. (S.) 17 & 18 Vict. c. 106. s. 2. (S.) 1 & 2 W. 4. c. 17. s. 4. (I.)

5. The lieutenants shall certify to Her Majesty, or, in Ireland, the Lord Lieutenant, the names of persons to be so appointed deputy lieutenants, and it shall not be lawful for any lieutenant to grant a commission to any person until it has been signified to the lieutenant by the Secretary of State, or in Ireland by the Chief or Under Secretary to the Lord Lieutenant that Her Majesty, or the Lord Lieutenant (as the case may be), does not disapprove of the granting of such commission.

Appoint-
ments to be
subject to
Her Ma-
jesty's or
Lord Lieute-
nant's appro-
bation.†

† See references to existing enactments on last preceding clause. They are slightly departed from, the Militia (England) Bill of 1867 being followed.

6. In England twenty deputy lieutenants at least shall be appointed within every county, and in Ireland so many deputy lieutenants shall be appointed within every county, and every city or town for which deputy lieutenants are to be appointed, as the Lord Lieutenant from time to time determines, if so many persons can be found duly qualified in England and Ireland respectively, but if not then as many persons so qualified as can be found within the county shall be appointed such deputy lieutenants.

Number of
deputy lieu-
tenants.
42 G. 3. c. 90.
s. 5.
1 & 2 W. 4.
c. 17. s. 4. (I.)

7. If the lieutenant of any county, city, or town be absent from the United Kingdom, or otherwise incompetent or unable to act, or where there is no lieutenant, Her Majesty with regard to Great Britain, and the Lord Lieutenant with regard to Ireland, may authorise any three deputy lieutenants of such county, city, or town to do all acts which might lawfully have been done by the lieutenant, and such deputy lieutenants authorised as aforesaid, while so authorised, shall for all purposes stand in the place of the lieutenant.

Provision
for absence
or disability
of lieutenant.
42 G. 3. c. 90.
s. 3.
17 & 18 Vict.
c. 106. s. 4. (S.)

[“The United Kingdom” is substituted for Great Britain, and the words after “done by the lieutenant” are added, following in both respects the Militia (England) Bill of 1867. There is no corresponding enactment as to Ireland.]

8. It shall be lawful for the lieutenant of any county, city, or town, with the approbation of Her Majesty in Great Britain or of the Lord Lieutenant in Ireland, to appoint any deputy lieutenant to act for him within the county, city, or town, as vice-lieutenant

Vice-lieu-
tenants may
be appointed.
46 G. 3. c. 90.
s. 45.

A.D. 1875. thereof, during the absence from the county, sickness, or other disability of such lieutenant and no longer; and every such vice-lieutenant shall have authority to do all acts which might lawfully have been done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority of Her Majesty to make other provision for this purpose under the foregoing enactment. 5

55 G. 3. c. 65.
s. 9. altered.
17 & 18 Vict.
c. 106. s. 3. (S.)
1 & 2 W. 4.
c. 17. s. 17. (I.)

[The words following "done by the lieutenant" are not in the existing Acts, but were inserted in the Militia (England) Bill of 1867.

The approbation of Her Majesty is not required by the Act for Scotland. 10
Under the Act for Ireland the appointment is vested in the Lord Lieutenant and is made *pro hac vice*, and in lieu of absence from the county provides for absence from Ireland.

The provision in 46 Geo. 3. c. 90. s. 45., applying only to England, as to the rank the vice-lieutenant shall hold, is omitted]. 15

Property
qualifications
for deputy
lieutenants.

42 G. 3. c. 90.
s. 6., see also
ss. 7, 8 and 14.
15 & 16 Vict.
c. 50. s. 4.
17 & 18 Vict.
c. 105. s. 31.
42 G. 3. c. 91.
s. 40. (S.)
17 & 18 Vict.
c. 106. ss. 6, 9.
S.) 1 & 2 W. 4.
c. 17. ss. 5, 12.
I.)

Income of
personal
estate in pos-
session to be
deemed equi-
valent to the
yearly value
of land.

9. Every person appointed a deputy lieutenant shall, unless he be a peer of the realm or heir apparent of such peer and have a place of residence within the county, city, or town for which he is appointed, have the property qualification herein-after mentioned; that is to say,— 20

he shall be in possession for his own benefit of an estate for his own life or the life of another, or of some greater estate, in land or heritages in the United Kingdom of the yearly value of *two hundred pounds*;

or be heir apparent of some person who is in possession as aforesaid of a like estate in like property of the like yearly value; 25

Provided nevertheless, that for the purposes of the qualification aforesaid a clear yearly income arising from personal estate within the United Kingdom, of or to which personal estate or income any person appointed a deputy lieutenant is pos- 30
sessed or entitled, at law or in equity, in possession, for his own benefit, for his own life, or the life of another, or some greater estate or interest, shall be deemed equivalent to an estate in land or heritages of a yearly value of the same amount with such yearly income; and such yearly income 35
from personal estate shall be admitted in whole or in part of any such qualification accordingly.

[This Clause departs in some degree from the existing law, but see 18 & 19 Vict. c. 100. ss. 1, 2. (applying only to officers).

In Scotland the qualification is 300l. a year, except for the city of Edinburgh or royal burghs where it is 100l. (17 & 18 Vict. c. 106. ss. 7, 8.), and the Act for Scotland contains a saving of the rights of the College of Surgeons of Edinburgh (s. 7.), and authorises the appointment of a provost of a burgh as deputy lieutenant (s. 8.). 40

In England and Ireland the qualification admits of leasehold of a certain term, and in Ireland the qualification for an heir apparent is double that of a person in possession, and the qualification in either case must be in land and arise in the county for which the appointment is made, or an adjoining county or counties. For five counties in England, the Isle of Ely, the counties in Wales, and for cities and towns both in England and Ireland, and for the Tower Hamlets except in the case of an heir apparent (37 Geo. 3. c. 25. s. 8.), the qualification is now lower than in counties generally.

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There is no exception for a peer or his heir apparent in the recent Act for Scotland (17 & 18 Vict. c. 106.) s. 6. of which Act seems virtually to repeal the exception in s. 10. of 42 Geo. 3. c. 91., but the exception has not been expressly repealed in revising that Act in the work of Statute Law Revision.]

10. No person, not being qualified under this Act as a peer of the realm or heir apparent of such peer, shall be appointed to be a deputy lieutenant until he has delivered to the clerk of the peace of the county in England or Ireland, or town clerk of the city or town in Ireland, or to the clerk to the commissioners of supply of the county in Scotland, for which he is appointed a specific description in writing, signed by himself, of his qualification, stating, where the same consists wholly or partially of an estate in land or heritages, the county and parish or parishes in which the land or heritages forming his qualification is or are situate, and, as to land in Ireland, the denominations of the land.

Qualification to be delivered to clerk of the peace or clerk of supply.

42 G. 3. c. 90.

ss. 12, 14.

42 G. 3. c. 91.

s. 8. (S.)

1 & 2 W. 4.

c. 17. s. 9. (I.)

[As to peers and their heirs apparent, see note on preceding clause.

The Act for Ireland merely restricts the deputy lieutenant from acting until the qualification has been delivered. The several existing enactments provide for sending to deputies of clerks of peace, &c., but the deputy was omitted in the Militia (England) Bill of 1867.]

11. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, of every county, city, or town shall send to the lieutenant of the county, city, or town a copy of every description of a qualification delivered to him as herein required, and shall enter every such description on a roll to be kept for that purpose; and shall cause to be inserted in the London Gazette, or as to Ireland, in the Dublin Gazette, the dates of the commissions, and the names of the deputy lieutenants, in like manner as commissions in the army are published from the War Office; and he is hereby authorised to charge the expense of the insertion in the Gazette to the treasurer, or, in Scotland, to the collector of the land tax, of the county, city, or town, who shall pay the same.

Clerk of the peace or clerk of supply to send copies of qualifications to lieutenant, and enter same on a roll, and insert in Gazette dates of commissions, &c.

42 G. 3. c. 90.

s. 13.

42 G. 3. c. 91.

s. 9. (S.)

1 & 2 W. 4.

c. 17. s. 10.

(I.)

[The Act for Ireland provides for the qualification being sent either to the lieutenant or the custos rotulorum, and does not provide for gazetting the appointments, but the present practice is adopted in this clause.]

[202.]

A 3

A.D. 1875.

Return to
Secretary of
State and
Parliament.42 G. 3. c. 90.
s. 13.42 G. 3. c. 91.
s. 9. (S.)1 & 2 W. 4.
c. 17. s. 10. (I.)Penalty for
acting as
deputy lieu-
tenant, &c.,
without
being quali-
fied, &c.42 G. 3. c. 90.
s. 14.42 G. 3. c. 91.
s. 10. (S.)1 & 2 W. 4.
c. 17. s. 12. (I.)Acts of
persons not
qualified to
be valid.*New.*Displace-
ment of
deputy lieu-
tenants.42 G. 3. c. 90.
s. 17.42 G. 3. c. 91.
s. 12. (S.)1 & 2 W. 4.
c. 17. s. 8. (I.)Commissions
not to be
vacated by
revocation of
appointment
of grantor.*Powers, &c.
of lieu-
tenants and
deputy lieu-
tenants.*New.*1 & 2 W. 4.
c. 17.

12. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, shall in the month of January in every year send to the Secretary of State, or, in Ireland, the Chief Secretary of the Lord Lieutenant, a complete account of the several descriptions of qualifications delivered to him, and the Secretary of State or Chief Secretary receiving such account shall cause copies thereof to be laid before both Houses of Parliament.

13. If any person act as deputy lieutenant, not being duly qualified, or not having delivered in the description of his qualification as herein required, he shall forfeit the sum of *two hundred pounds* ;

one moiety of each such penalty to be paid to any person who may sue for the same ;

and in any legal proceeding for recovery thereof the proof of qualification shall lie on the defendant or defender.

14. Where any person has acted as a deputy lieutenant without being duly qualified, or without having delivered in the description of his qualification as required by this Act, the acts of such person done in his office shall be as valid as if he had been duly qualified and had duly delivered in such description.

15. Whenever Her Majesty may think fit to signify Her pleasure to the lieutenant of any county, city, or town in the United Kingdom, or the Lord Lieutenant shall signify his pleasure to the lieutenant of any county, city, or town in Ireland, that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace such deputy lieutenants, and appoint others in their stead, subject to the provisions of this Act.

16. No commission of any deputy lieutenant shall be vacated by the revocation, expiration, or discontinuance of the commission or appointment of the lieutenant who granted it.

* 42 G. 3. c. 90. s. 4. 17 & 18 Vict. c. 106. s. 5. (S.) 1 & 2 W. 4. c. 17. s. 4. (I.)

17. The lieutenant and deputy lieutenants respectively appointed under this Act for any county, city, or town shall have such jurisdiction, duties, powers, and privileges as are vested in the lieutenant and deputy lieutenants respectively for such county, city, or town under any existing Act of Parliament, except under any enactment repealed by this Act, but as regards Ireland, inclusive of all such powers as at the time of the passing of the Act of the first and second years of King William the Fourth, chapter

seventeen, were vested in the governors and deputy governors respectively of counties or places in Ireland, so far as such powers are now in force.

Number and Quotas of Militia.

- 5 18. The Militia of the United Kingdom shall, during the suspension of the ballot, be raised and kept up according to the provisions of this Act:

And such number of private militiamen shall be so raised and kept up as may for the time being be provided by Parliament.

Militia while ballot suspended to be raised under this Act.

Their number.*

* 34 & 35 Vict. c. 86. s. 7.

- 10 19. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time to appoint the quotas of militiamen to serve for the several counties of the United Kingdom.

Quotas.

15 & 16 Vict. c. 50. s. 9.

17 & 18 Vict. c. 106. s. 27. (S.)

17 & 18 Vict. c. 107. s. 2. (I.)

as altered by 34 & 35 Vict.

c. 86. s. 6.

But it is to be observed

that the powers vested

in the Lord Lieutenant of

Ireland with advice of Privy

Council are by

the enactment last referred to vested in the Queen, not in the Queen in Council.

- 15 Notice of the quota from time to time appointed for any county shall be transmitted to the lieutenant of such county and published in the London, Edinburgh, or Dublin Gazette, as the case may require.

Such quota shall be the quota of such county until another quota is appointed and notified in like manner.

- 20 Until another quota is appointed under this Act for any county the quota now appointed for such county shall continue.

the enactment last referred to vested in the Queen, not in the Queen in Council.

Formation of Regiments. Uniting of Militia.

- 25 20. It shall be lawful for Her Majesty from time to time to form the Militia of the several counties into such regiments as to Her Majesty may seem fit, and to direct what number of officers, and of what respective ranks, shall be appointed to such regiments, and what shall constitute the staff thereof:

Her Majesty

may direct into

what regiments

Militia shall be

formed, and

with what officers

and staff.

15 & 16 Vict.

c. 50. s. 25.,

22 & 23 Vict.

c. 38. s. 7.;

and see

42 G. 3. c. 90.

ss. 68, 69, 70,

72, 73, 74.; see

also 10 G. 4.

c. 10.

17 & 18 Vict.

c. 106.

Vict. c. 86. s. 6.

- 30 Provided always, that where it appears to Her Majesty that the number of militiamen raised or to be raised for any county is insufficient to be conveniently formed into or continued as a separate regiment, it shall be lawful for Her Majesty to unite the Militia of such county with the Militia of any county adjoining, so long as the exigency of the case may appear to Her Majesty to require:

- 35 s. 28. (S.) 17 & 18 Vict. c. 107. s. 3. (I.) as altered by 34 & 35

Provided also, that it shall be lawful for Her Majesty from time to time to unite portions of the Militia of two or more counties in order to form a corps of Militia artillery, and at any time to disunite the same.

Power to unite

portions of

Militias of

counties to

form artillery

corps.

23 & 24 Vict.

c. 94. s. 1.

A.D. 1875.

Appointment of Officers, &c.

Appoint-
ments and
commissions
of officers.
34 & 35 Vict.
c. 86. s. 6.
altered.

21. All officers in the Militia shall be appointed by and hold commissions from Her Majesty; such commissions to be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's regular land forces are prepared, authenticated and issued, according to any law or custom for the time being in force: 5

But commissions or first appointments to the rank of sub-lieutenant or lieutenant in any regiment shall be given to persons recommended by the lieutenant of the county if a person approved 10 by Her Majesty is recommended for any such commission or appointment by such lieutenant within thirty days after notice of a vacancy for such commission or appointment has been given to such lieutenant by the Secretary of State, by letter addressed to him by post; 15

provided always, that where a regiment is formed of the united Militia or parts of the Militia of two or more counties, the recommendation for such commissions or first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as the warrant or order uniting such Militia, or parts of 20 Militia, may provide:

42 G. 3. c. 90.
s. 2.
42 G. 3. c. 91.
s. 1. (S.)

Rank of officers
accepting com-
missions in
other regi-
ments.

42 G. 3. c. 90.
s. 75.

42 G. 3. c. 91. s. 69. (S.). 47 & 48 Vict. c. 106. s. 15. (S.). "*Militia service*" being substituted for "*general service*."

The officers so appointed for the Militia shall rank with the officers of Her Majesty's regular forces as youngest of their rank.

22. Every officer who accepts a commission or appointment of the same rank in any other regiment, thereby vacating his former com- 25 mission, shall continue to rank in the Militia service according to the date of his commission or appointment so vacated.

Permanent
staff.

36 & 37 Vict.
c. 68. s. 2.
varied.

23. The enactments herein-after contained applying with modifi- cations certain provisions of the Mutiny Act to recruits and recruiting 30 for the Militia, and concerning the period for which Militia recruits are to be enlisted to serve, the effect of their being attested for service in the Militia, and the re-engagement of men enlisted in the Militia shall, save as herein-after otherwise provided, apply to every person appointed to the permanent staff, not being a commissioned 35 officer.

[*This varies from the existing law but accords substantially with the practice.*]

Men from
the army
may be
attached to

24. Men belonging to the regular forces may, in such cases, for such time, under such conditions, and generally in such manner as may be authorised by regulations of the Secretary of State, be 40

attached to the permanent staff without being discharged from their existing engagement : A.D. 1875.

permanent staff.
This clause is new.
See, as to terms "billeting," &c., Mutiny Act, s. 2, last words.

- Men so attached shall, without being attested for the permanent staff, be deemed members thereof and subject to the same provisions as regards billeting, discipline, trial, and punishment as if they were, during the time for which they are so attached, duly attested members of such staff, and their service accordingly as members of such staff shall be equivalent to service under their engagement to serve in the regular forces.
- 10 **25.** The commanding officer may, at his own expense, at any time keep up an additional number of drummers for the use of any regiment, and such additional drummers shall be deemed drummers within the meaning of this Act, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers, and shall continue to serve as drummers so long as they receive from the commanding officer by whom they were appointed the same pay and clothing as other drummers, or better clothing in lieu thereof, and no longer.

Extra musicians may be kept at the expense of the commanding officer.

42 G. 3. c. 90. s. 85.
17 & 18 Vict. c. 106. s. 24. (S.), and see 42 G. 3. c. 91. s. 7. (I.)

- 20 **26.** No person who keeps a house of public entertainment, or sells ale, wine, or brandy, or other spirituous liquors, by retail, shall be capable of being appointed or of serving or receiving pay as a member of the permanent staff, or as a non-commissioned officer not on such staff.

Persons disqualified for permanent staff, &c.

42 G. 3. c. 90. s. 83.
42 G. 3. c. 91. s. 77. (S.)
49 G. 3. c. 120. s. 29 (I.)

- 27.** No soldier receiving pension shall forfeit such pension during the time he serves in the Militia.

Pensions preserved.
42 G. 3. c. 90. s. 36. (I.)

[*Part of 17 & 18 Vict. c. 105. s. 33., corresponding with 17 & 18 Vict. c. 106. s. 63. (S.), concerning punishment of drummers and buglers of the permanent staff, is omitted as unnecessary.*]

- 30 **28.** If any person who has served in Her Majesty's other forces, and has afterwards been attested for the permanent staff of the Militia, be discharged therefrom for misconduct, the cause of his discharge shall be certified by the commanding officer of his regiment on the back of the certificate of his discharge from Her Majesty's other forces, and a copy of the certificate of such commanding officer shall be forwarded to the Adjutant General of Her Majesty's forces and the Secretary of State for War.

Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.
17 & 18 Vict. c. 105. s. 33. residue, extended.
17 & 18 Vict. c. 106. s. 64. (S.)

A.D. 1875.

Command.

Command of
Militia in the
absence of
superior
officer.
36 & 37 Vict.
c. 68. s. 5.

29. When the commanding officer of any regiment of Militia is absent on leave, the command of such regiment shall devolve without special authority from the Crown in accordance with the usual custom of the service.

5

Raising the Men.

Men how to
be raised.

15 & 16 Vict.
c. 50. ss. 11,
15., 17 & 18
Vict. c. 106.
ss. 29, 31. (S.),
17 & 18 Vict.

30. The number of private militiamen required to be raised and kept up under this Act shall from time to time be raised by voluntary enlistment, and shall be recruited by such officers, non-commissioned officers, and men, whether belonging to the Militia or to the army, as may be determined by Her Majesty.

10

c. 107. ss. 11, 15. (I.), 36 & 37 Vict. c. 68. s. 1. part.

Provisions
of Mutiny
Act concern-
ing recruits
applied
to recruits
for the
Militia.

31. The provisions of the Mutiny Act relating to the following matters connected with enlistment; that is to say,

Questions to be put to recruits on enlisting;

15

When recruits are deemed to be enlisted, and the billeting of recruits while remaining with the recruiting party;

When recruits are to be taken before a justice;

Dissent and relief from enlistment;

Attesting of recruits;

20

The restriction as to trial by court-martial of a recruit before attestation or receipt of pay, and the subjecting of an unattested person to punishment as a rogue and vagabond or otherwise;

As to the trial of an attested person, who has given any wilfully false answer to any question, or made any wilfully false statement in his declaration, either before two justices or before a court-martial;

25

As to any recruit absconding;

The punishment of persons subject to the Mutiny Act who wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits; shall apply with reference to recruits and recruiting for the Militia, subject to the following modifications; that is to say,

30

For the words "soldier in Her Majesty's service," or "soldier," as the case may be, shall be substituted the word "militia-man";

35

For the words "oath of allegiance in the said form" shall be substituted the words "following oath, namely, I, A.B., do

“ solemnly promise and swear that I will be faithful to Her Majesty Queen Victoria, her heirs and successors, and that I will faithfully serve in the Militia, in any part of Great Britain and Ireland for the defence of the same until I shall be discharged ” ;

A.D. 1875.
36 & 37 Vict.
c. 68. s. 2.

No recruit for the Militia shall be liable to be tried by court-martial, except during such time as the Mutiny Act shall be applicable to him under the provisions of the Mutiny Act, or under the provisions herein-after contained.

[*This varies from existing law but accords substantially with the practice.*]

32. Every Militia recruit shall be enlisted to serve in the Militia for the county for which he is raised as a militiaman for any period not exceeding *six* years, to be reckoned from the day on which the recruit is attested for service ; and recruits attested for service in the Militia shall for the purposes of any enactment referring to persons enrolled in the Militia be deemed to be so enrolled.

Enlistment
of men to
serve for six
years.
36 & 37 Vict.
c. 68. s. 1.
*altered to
meet preced-
ing clause.*

33. Any man enlisted in the Militia may, at any time during the period of his existing engagement, be re-engaged to serve in the Militia for a further period not exceeding *six* years from the date of his re-engagement.

Re-engage-
ment.
36 & 37 Vict.
c. 68. s. 1.
altered.

34. No militiaman, who has before or after the passing of this Act received pay and been borne on the strength and pay list of any regiment for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or re-engagement, or on any ground whatsoever affecting the validity of his enlistment or re-engagement, but, on the contrary, every such militiaman shall be deemed to have been duly enlisted or re-engaged, as the case may be.

Militiamen
not to claim
discharge on
ground of
error, &c. in
enlistment,
&c.
32 & 33 Vict.
c. 13. s. 4.
varied.

Discharge of Men.

35. It shall be lawful for the Secretary of State at any time to discharge any militiaman for misconduct, unfitness, or other cause, upon such conditions as he may from time to time direct, and such militiaman shall have no claim to future pay or bounty (if any).

Power to
Secretary of
State to
discharge
militiamen.
17 & 18 Vict.
c. 105. s. 42.,
in each case.

17 & 18 Vict. c. 106. s. 61. (S.), 17 & 18 Vict. c. 107. s. 25 (I.) part,

Drill, Training, and Exercise.

36. Men enlisted in the Militia shall attend at the head quarters of the regiment in which they are enlisted, or at such other [202.]

Training of
Militia
recruits.

34 & 35 Vict. c. 86. s. 8. place and at such time as may be directed by the Secretary of State, for preliminary training for a period of not more than *six* months.

Command and discipline of Militia recruits. 36 & 37 Vict. c. 68. s. 3. *The words "preliminary training" being substituted for "recruit training."* 37. Militia recruits shall, during the period of their preliminary training, when the Militia battalions to which they belong are not for the time being out for training and exercise, be subject to the command of such officers, whether of the Militia or Her Majesty's regular forces, as may from time to time be appointed to serve with the force with which such recruits are being trained, and officers either of the Militia or of Her Majesty's regular forces shall be competent to sit on any court-martial appointed for the trial of any such recruit for an offence committed by him during the period of his preliminary training, whether such court-martial be holden during such period or at any time after its expiration.

Officers and non-commissioned officers may voluntarily be attached to the army for instruction. 17 & 18 Vict. c. 105. s. 53., 17 & 18 Vict. c. 106. s. 54. (S.), 17 & 18 Vict. c. 107. s. 35. (I.) altered, the original enactments apply only to privates. 38. Any officer or non-commissioned officer of the Militia may, with the consent of the Secretary of State, and with his own consent, be attached for a time for the purpose of instruction to any portion of Her Majesty's regular forces, and shall for such time be deemed to be under the command of the officer commanding the same.

Period and times and places of training and exercise. 42 G. 3. c. 90. s. 87. 15 & 16 Vict. c. 50. s. 26., altered, s. 27, year. 39. Save as herein otherwise provided, the Militia shall be trained and exercised for not less than *twenty-one* days and not more than *twenty-eight* days in every year, at such times and at such places in any part of the United Kingdom as Her Majesty may appoint; and for that purpose may be called out once or oftener in every year. part, 42 G. 3 c. 94. s. 82. (S.), 17 & 18 Vict. c. 106. ss. 45, 46. part (S.), 49 G. 3. c. 120. s. 39. (I.), 17 & 18 Vict. c. 107. ss. 17, 18. part (I.), 22 & 23 Vict. c. 38. s. 8. altered.

[*Twenty-one days is the time now fixed by Act of Parliament, but in fact the training is always longer, under the authority of the enactment in the margin of the next clause.*]

Time of training may be extended by Her Majesty after Militia is called out. 17 & 18 Vict. c. 13. s. 2. *nothing as to S. or I.* 40. When any regiment is actually assembled for training and exercise, or after notices to the men of any regiment to attend training and exercise have been given, it shall be lawful for Her Majesty to extend the period of such training and exercise for a period not exceeding, with the time for which such regiment has been called out, the period of *fifty-six* days; and in any such case fresh notices to attend training and exercise shall not be necessary: All provisions applicable to such Militia during the time of training and exercise shall be applicable to such regiment during

such extended period as if the notices for calling out such regiment for such training and exercise had been given for such extended period, and had been authorised by law.

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—

41. Her Majesty may from time to time, with the advice of Her Majesty
5 Her Privy Council,— may, by Order in Council,

order that the period of training and exercise in any year of all or any part of the Militia be extended, but so that the whole period of training and exercise be not more than *fifty-six* days;

extend or reduce period of training, or suspend training in any year.

10 or order that the period of training and exercise in any year of all or any part of the Militia be reduced to such time as to Her Majesty with the advice aforesaid may seem fit;

As to extending or reducing period, 15 & 16 Vict. c. 50. s. 27.

or order that in any year the calling out of all or any part of the Militia for the purpose of being trained and exercised be dispensed with.

part, 17 & 18

15 *Vict. c. 106. s. 46. part (S.), 17 & 18 Vict. c. 107. s. 18. part (I.), the limit to three days being omitted, 34 & 35 Vict. c. 86. s. 6., and see marginal note on clause 19. As to dispensing with training, 57 G. 3. c. 57. s. 1. (repealed as to E. and I. by Statute Law Revision Act, 1873). [The power to suspend training for a year after disembodiment—see 42 G. 3. c. 90. s. 88. and 42 G. 3. c. 91. s. 83. (S.)—is omitted.]*

20 42. Her Majesty may attach any officer of the regular forces to any regiment during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the Militia as
25 his superior officers, and exercise all the power and authority of a Militia officer in such regiment, but retain the same relative rank with respect to the officers of Militia as an officer of Her Majesty's regular forces is entitled to according to this Act; and any non-commissioned officer of the regular forces shall, while employed
30 to assist in the training and exercise of any regiment, obey the commands of the superior officers of the Militia as his superior officers, and exercise all the power and authority of a Militia non-commissioned officer in such regiment.

Power to attach officers of regular forces to militia regiments during training. 32 & 33 Vict. c. 13. s. 2.

35 43. Where any officer, non-commissioned officer, or man of any regiment is sent to head quarters or elsewhere, or attached to any regiment of Her Majesty's regular forces, for purposes of preliminary training or of instruction, the time of his attendance for such purposes shall not be reckoned in computing the period for which he may be liable to be called out or kept assembled for training and
40 exercise.

Time of drill not to be reckoned, &c.

17 & 18 Vict. c. 13. s. 3.

17 & 18 Vict. c. 107. s. 19.

(I.) altered, and see

23 & 24 Vict. c. 94. s. 14.

Embodying of the Militia.

44. In case of imminent national danger or of great emergency it shall be lawful for Her Majesty (the cause being first com-

In what event and

A.D. 1875.

14

Militia Laws Consolidation and Amendment. [38 VICT.]

how Militia to be embodied.

42 G. 3. c. 90. s. 111.

17 & 18 Vict.

c. 106. s. 47.

(S.) 49 G. 3.

municated to Parliament, if Parliament be then sitting, or declared in Council, and notified by proclamation, if Parliament be not sitting) to order the whole or any part of the Militia to be drawn out and embodied and to give all necessary directions for the assembling of such Militia and otherwise.

5

c. 120. s. 55. (I.), as modified by 33 & 34 Vict. c. 68. s. 1., and 34 & 35 Vict. c. 86. s. 6.

Parliament to be assembled within ten days, when Militia is ordered to be embodied.

33 & 34 Vict. c. 68. s. 2.

45. Whenever Her Majesty orders the Militia to be drawn out and embodied as aforesaid, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

10

Where part only of Militia embodied in first instance further part may be embodied afterwards.

42 G. 3. c. 90. ss. 140, 141.,

When all the Militia of a county is embodied, all officers, &c. to join.

42 G. 3. c. 90. s. 143.

42 G. 3. c. 91. s. 138. (S.)

Provision for case of part only of Militia of a county being embodied.

42 G. 3. c. 90. s. 143.

42 G. 3. c. 91. ss. 137, 138. (S.)

17 & 18 Vict. c. 106. s. 49. (S.)

Militia not to be ordered out of United Kingdom.

22 & 23 Vict. c. 38. s. 1.

Her Majesty may accept voluntary offers of Militia to serve in the Channel Islands, Isle of Man,

46. Where the order of Her Majesty does not apply to the whole of the Militia, Her Majesty may from time to time, while any part of the Militia remains embodied, order the drawing out and embodying of all or any part of the Militia to which the previous order or orders for embodiment did not apply.

15

42 G. 3. c. 91. s. 135., altered (S.)

20

47. Whenever the whole of the Militia of any county is ordered to be embodied, all the officers and non-commissioned officers and drummers of every regiment of such county shall join the regiment to which they respectively belong, at the time and place appointed for the assembling of such Militia.

25

48. Whenever part only of the Militia of any county is embodied under any order of Her Majesty for that purpose, Her Majesty may order what proportion and description of officers, non-commissioned officers, and drummers shall accompany such part, and regulate the formation thereof, and also regulate the number and duties of the remaining officers, non-commissioned officers, and drummers of such Militia.

30

49. Save as herein otherwise provided, no part of the Militia shall be carried or ordered to go out of the United Kingdom.

50. It shall be lawful for Her Majesty to employ in the Islands of Malta, Guernsey, Jersey, Alderney, and Sark, the Isle of Man, and the garrison of Gibraltar, or any of them, such part of the Militia as may make a voluntary offer, duly certified by their respective commanding officers, so to extend their services, and as Her Majesty may think proper to permit to extend their services in consequence of such voluntary offers as aforesaid;

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and it shall be lawful for Her Majesty to direct the commanding officer of any regiment, to propose to such regiment to extend their services to the said islands, isle, and garrison under such rules and regulations as Her Majesty may think fit and appoint;

A.D. 1875.
Malta, and
Gibraltar.

22 & 23 Vict.
c. 38. ss. 4, 5,
extended.

As to service
abroad, see
18 & 19 Vict.
c. 1, ss. 1-13
(expired.)

5 and no person shall be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent;

and no commanding officer shall certify any voluntary offer previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part.

10 51. It shall be lawful for Her Majesty, from time to time as she may think fit, to disembody the whole or any part of the Militia embodied under this Act, and from time to time again to re-embody all or any part of the Militia so disembodied, as to Her Majesty may seem necessary, according to the provisions of this
15 Act.

Disembody-
ing of Mili-
tia.

42 G. 3. c. 90.
s. 144.

42 G. 3. c. 91.
s. 139. (S.)

52. When the Militia, or any part thereof, has been disembodied as aforesaid, and the officers and men thereof have been dismissed to their places of abode, all such officers and men shall until again embodied be subject to the same orders, directions, and engagements
20 only as they were subject to under the provisions of this Act before they were embodied as aforesaid.

Militia after
being disem-
bodied to be
subject to
former en-
gagements.

42 G. 3. c. 90.
s. 145.

42 G. 3. c. 91.
s. 60. (I.)

s. 140. (S.), 49 G. 3. c. 120.

Provisions common to Training and Exercise and Embodiment.

53. Where the whole or any part of the Militia is called out for
25 training, or is embodied, Her Majesty may place the Militia so called out or embodied, or any part thereof, under the command of such general officers as Her Majesty may appoint.

*32 & 33 Vict. c. 13, s. 1., &c.

Militia may
be placed
under general
officers
during train-
ing or em-
bodiment.*

54. Where the whole or any part of the Militia is called out
30 for training, or is embodied, notices to the men enrolled in the Militia to attend training and exercise, or to attend at the time and place fixed for the assembling of the Militia so embodied, shall be sent by or by the order of the commanding officer of the regiment to which such men belong, by the post to the residences
35 of the several men as stated on their attestations, or as subsequently notified by them :

Notices of
times and
places of
exercise and
for meeting
on embodi-
ment to be
sent by post.

3 & 4 Vict.

c. 84. s. 10.

17 & 18 Vict.

c. 13. s. 4.

17 & 18 Vict.

c. 105. s. 39.

18 & 19 Vict.

c. 1. s. 15.

Notices of such time and place, with directions to cause the same to be published in manner herein-after mentioned, shall also be sent by the like order, by post, to the following officers ; (that is to say,)

A.D. 1875.

17 & 18 Vict.
c. 106. ss. 44,
48. (S.)
17 & 18 Vict.
c. 107. s. 21.
(I.)

In England, to the constables of the several parishes in which the residences of the private men of such Militia are situate, as ascertained as aforesaid; and where such residences are in the metropolitan police district, to the commissioner of police of the metropolis :

5

In Scotland, to the inspectors of the poor of the several parishes or divisions of parishes in which such residences are situate as aforesaid :

In Ireland, to the county inspector or other chief officer of the police of the county in which such residences are situate as aforesaid; and where such residences are in the police district of Dublin metropolis, to the chief commissioner of police :

10

Such notices
to be also
published
on church
doors, & c.

And such constables and inspectors respectively shall, within three days after the receipt of such notices, cause the same to be published in manner herein-after mentioned, in their parishes or divisions respectively, and such commissioner of police, county inspector, or chief officer of a county, shall, within the time aforesaid, after the receipt of such notices, cause the same to be published by the constables of the district or county in manner herein-after mentioned; such notices shall be published by the same, or copies thereof, being affixed on the doors or on the outer wall near the doors of all the churches and chapels and places of public worship in their said parishes or divisions respectively in England and Scotland, and in each parish or place in the said district or county in Ireland; and if any parish or place have no church, chapel, or place of public worship, then in such manner as public notices are therein usually made known in such parish, and on the doors or outer walls as aforesaid of all the churches, chapels, and places of public worship of some parish or place thereunto adjoining.

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Any constable or inspector of the poor, commissioner of police, county inspector, or chief officer of a county, who neglects to cause such notices to be published in manner aforesaid, shall for every such offence, on conviction thereof before two justices, forfeit a sum not exceeding *twenty pounds*.

30

Any such notice so published as aforesaid shall be deemed a sufficient notice to every militiaman to whom the same applies, notwithstanding any omission in notice to him by post; and any militiaman not appearing at the time and place appointed in any such notice, shall be subject to be punished and dealt with accordingly.

35

[The existing provision in England and Ireland for notices by constables does not apply to embodiment.

40

17 & 18 Vict. c. 106. s. 44. (S.) limits the time to two days instead of three days; it also puts the duty on parochial schoolmasters as well as inspectors :

This duty was with qualification as to then existing schoolmasters transferred to registrars of births, &c. by 35 & 36 Vict. c. 62, s. 76.; this is not followed in the Bill. 17 & 18 Vict. c. 107 (I.) seems neither to limit a time nor impose a penalty for neglect, see s. 21.]

A.D. 1875.

- 5 **55.** The Secretary of State may require the chief officer of police in every or any district in the United Kingdom to cause to be served or published (as the case may be) within his district any notice the Secretary of State may desire to be served on any militiamen, or to be published in manner herein-before mentioned
10 in such district.

Notices may be required to be served and published by the police.
33 & 34 Vict. c. 67, s. 20, part, extended to publication.

All officers and men of every police force shall conform to the orders of the said Secretary of State, in relation to the service and publication respectively of such notices, through such officer.

Application of Mutiny Act and Articles of War.

- 15 **56.** The Mutiny Act and Articles of War shall apply,—
to all persons receiving pay as members of the permanent staff of any regiment;
to all Militia recruits and other persons in the Militia receiving pay during the period of preliminary training when the
20 Militia battalions to which they belong are not for the time being out for training and exercise;
and to all persons in the Militia who are attached for purposes of instruction or otherwise to a portion of Her Majesty's regular forces :

Application of Mutiny Act and Articles of War to permanent staff, recruits, &c.
38 & 39 Vict. c. 7, s. 2.

- 25 And all such persons shall for the purposes of the application of such Act and Articles be deemed to be part of the regular forces, in respect of billeting, discipline, trial, and punishment, and in respect of any offence committed while such Act and Articles are so applicable, may be tried, punished, and dealt with thereunder at any
30 time, subject nevertheless to the provisions of such Act and Articles and this Act with respect to the constitution of courts-martial.

- 57.** Subject to the provisions of this Act, the Mutiny Act and Articles of War shall, during such time as any regiment is assembled for the purpose of being trained and exercised, or is embodied,
35 be applicable to such regiment, and the officers, non-commissioned officers, drummers, and private men thereof, and to all persons whomsoever in respect thereof as fully as such Act and Articles may be applicable to and in respect of Her Majesty's regular forces, but so that no punishment in respect of any offence
40 committed during such time as such regiment is assembled for the purpose aforesaid shall extend to loss of life.

Application of Mutiny Act and Articles of War during training and embodiment.

As to Militia under training, 42 G. 3. c. 90, s. 89, part, and see ss. 94, 95. 42 G. 3. c. 91, s. 84, part, and see ss. 90, 91.

(S.) 49 G. 3. c. 120, s. 39, part, and see ss. 48, part

and 49. (I.) As to embodied Militia, 42 G. 3. c. 90, s. 111., 42 G. 3. c. 91, s. 107. (S.), 49 G. 3. c. 120, s. 55. (I.)

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Officers of the
army not to
sit on Militia
trials, and vice
versâ.

42 G. 3. c. 90.
s. 115.

42 G. 3. c. 91.

s. 111. (S.),

17 & 18 Vict. c. 106. s. 56, part (S.), 49 G. 3. c. 120. s. 32. (I.), altered. *The Act for Ireland here referred to enables militia officers on military half pay to sit on trials of regulars.*

58. Save as in the Mutiny Act, or Articles of War, or this Act otherwise provided, no officer serving in Her Majesty's regular forces shall sit in any court-martial upon the trial of any person serving in the Militia, nor shall any officer serving in the Militia sit in any court-martial upon the trial of any person serving in Her Majesty's 5 regular forces.

Desertion.

Men not
attending for
preliminary
training or
training, or
when embodied,
deemed de-
serters.

*As to pre-
liminary
training, new.*

*As to training,
17 & 18 Vict.
c. 105. s. 45.*

*17 & 18 Vict.
c. 106. s. 58.
(S.)*

*17 & 18 Vict.
c. 107. s. 28.
(I.), part
in each case.*

59. Any militiaman who, without leave lawfully granted, or 10 sickness certified according to any regulations under this Act,—

does not appear at the time and place appointed for preliminary training, or deserts, or absents himself before the expiration of the period for which he is required to attend for that purpose ; or—

15

does not appear at the time and place appointed for the training and exercise of his regiment, or deserts, or absents himself during the time of training and exercise ; or—

does not, when ordered to be embodied, appear at the time and place appointed for the assembling of his regiment, and march 20 in pursuance of any order or direction under this Act,—

shall be deemed a deserter.

As to embodiment, 42 G. 3. c. 90. s. 116., part. 17 & 18 Vict. c. 13. s. 4. 42 G. 3. c. 91. s. 112, part (S.), 49 G. 3. c. 120. s. 56, part (I.)

And see 42 G. 3. c. 90. s. 127., 42 G. 3. c. 91. s. 122. (S.) as to consequences of desertion 25 of sergeants, &c. during embodiment.

Provision for
apprehen-
sion of men
absent from
preliminary
training
or training
and exercise.

*17 & 18 Vict.
c. 105. s. 46.*

*17 & 18 Vict.
c. 106. s. 65.
(S.)*

*17 & 18 Vict.
c. 107. s. 29.*

*(I.) altered
as to form
of report
and payment
being per-
missive, as in
clause 74,
which fol-
lows existing
law.*

60. The names and descriptions of all militiamen belonging to any regiment who do not appear at the time and place appointed for preliminary training, or for the training and exercise of such regiment, or who desert or absent themselves therefrom, as men- 30 tioned in the last preceding enactment, shall be notified to the Secretary of State for War, and to the constables or other officers of the parishes and places in which such militiamen reside by such officers, whether of the Militia or the regular forces, as the Secretary of State shall direct ;

35

and it shall be lawful for any constable or other peace officer, or any officer or soldier in Her Majesty's service or in the Militia, to apprehend any such militiaman or cause him to be apprehended, and to bring him or cause him to be brought before any justice at any time within the period of his engagement in the Militia, to be 40 dealt with according to law, or to be committed to safe custody until an escort can be sent for him, if he be a militia recruit, or if his regiment be then out for training and exercise ;

and such justice shall transmit a report, in relation to such militiaman, to the Secretary of State for War, in such form as he may from time to time direct ;

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and such Secretary of State may cause to be paid to the person or persons by whom or by whose means such militiaman was apprehended and secured such sum, not exceeding *twenty shillings*, as such Secretary of State may think fit.

61. Any militiaman required to attend for preliminary training, who for non-attendance thereat, or deserting, or absenting himself therefrom is by this Act declared to be a deserter, shall be liable, whether he have or have not been punished for his offence, to attend at such time and place as may be directed, under any regulations of the Secretary of State, for such preliminary training for the like period, for which he was originally required to attend for that purpose (notwithstanding he may have duly attended during any portion thereof), or for any less period.

Militia recruit failing to attend recruit training liable afterwards to attend.
New.

62. Any militiaman who unlawfully absents himself during the whole of the time of training and exercise in any year, or during any part of such time exceeding fourteen days shall, whether he have or have not been punished for his offence, be liable to serve, after the expiration of the term for which he may have been enlisted, or would independently of this enactment be liable to serve, for an additional year for every annual period of training and exercise from or during which he so absents himself ;

Addition to term of service of militiamen absent from annual training.
22 & 23 Vict. c. 38. s. 9.

and in every such case the commanding officer shall make an entry on the pay list of his absence as aforesaid, and such entry shall be conclusive evidence of the fact of such militiaman having so absented himself.

63. Every deserter from any regiment which is embodied at the time of such desertion or afterwards, shall, whether he have or have not been punished for his offence, be liable to serve for an additional period equal to the time which may have elapsed between the time of his desertion and the time when he is apprehended or voluntarily returns to his regiment; the period of such additional service to commence from the expiration of the period for which he was enlisted, or would independently of this enactment be liable to serve, or from the time of his apprehension or return, which may last happen.

Addition to term of service of deserters from embodied Militia.
23 & 24 Vict. c. 94. s. 16.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

64. Every deserter from the Militia, and every person who under this Act is deemed a deserter, shall, whenever he is apprehended,

Deserters may, when Militia not

A.D. 1875.

embodied or assembled for training, be proceeded against summarily before justices, or tried by court-martial.

22 & 23 Vict. c. 38. s. 12.
23 & 24 Vict. c. 94. s. 15, part, altered so as not to apply while Militia is embodied or assembled for training, or to men whose trial and punishment is otherwise provided for.

and whether his term of service have or have not expired, unless his regiment be embodied or assembled for training and exercise, at the time he is brought to trial, or his trial and punishment is otherwise provided for by this Act, be tried and punished as follows; that is to say,

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at any time within *one month* after his apprehension, unless it be shown to the justice or justices before whom he is proceeded against that the Secretary of State has, under the provision herein-after contained, ordered him to be tried by a regimental or detachment court-martial, be tried summarily by any justice 10 or justices in any part of the United Kingdom where he may be when summary proceedings against him are instituted, and upon summary conviction before such justice or justices such deserter or person shall forfeit any sum not less than *forty shillings* and not more than *twenty pounds*, and in default 15 of payment shall be committed to the common gaol or house of correction, to be imprisoned, with or without hard labour, for any time not less than two months and not more than *six months*;

and where the Secretary of State has, under the provision herein- 20 after contained, ordered such deserter or person to be tried by a regimental or detachment court-martial, such deserter or person shall be tried by such court-martial and punished in manner provided for the punishment of deserters by the Mutiny Act and Articles of War with regard to persons subject to such 25 Act and Articles who are tried by district court-martial, but so that no punishment shall extend to the loss of life.

Secretary of State may make regulations, &c. for trial of deserters by court-martial.

23 & 24 Vict. c. 94. s. 15. residue.

65. The Secretary of State may from time to time, by any general or special regulations or directions, order any such deserter or person as mentioned in the last foregoing enactment, or any class 30 or description of such offenders, with reference to the time of their being apprehended, or otherwise, to be tried by regimental or detachment court-martial as aforesaid.

Reduction to the Ranks of Non-commissioned Officers, &c.

Non-commissioned officers and drummers may be reduced to the ranks.

66. Any non-commissioned officer or drummer, including mem- 35 bers of the permanent staff, but not men belonging to the regular forces attached to the permanent staff, may, by sentence of a court-martial, be reduced to the condition of a private militiaman.

42 G. 3. c. 90. s. 105. part. 42 G. 3. c. 91. s. 101. part. (S.) 17 & 18 Vict. c. 106. s. 57. part. (S.) 49 G. 3. c. 120. s. 31. part. (I.) all altered.

40

[*The Act for Ireland authorises the reduction to the ranks not only by sentence of court-martial but by order of the colonel of the regiment.*] A.D. 1875.

[42 G. 3. c. 90. s. 89, part, 42 G. 3. c. 91. s. 84, part (S.), providing for court-martial during training, are omitted as unnecessary.]

Court-martial after Periods of Training and Embodiment for Offences then committed.

67. Every officer, non-commissioned officer, drummer, and private man who, during the period of training and exercise, or during the period of his regiment being embodied, has been guilty of any offence against any Act in force for the punishment of mutiny and desertion, or any Articles of War made in pursuance thereof, may be tried by a court-martial, and if found guilty may be punished for such offence, although he have been dismissed from training and exercise, or his regiment have been disembodied, in like manner as he might be tried and punished during the period of training and exercise or being embodied:

Provided always, that, save as in this Act otherwise provided, no officer, non-commissioned officer, drummer, or private man shall be tried or punished as aforesaid after he has been dismissed from training and exercise, or after his regiment is disembodied, unless the charges against such officer, non-commissioned officer, drummer, or private man have been made out and delivered within six months after training or being disembodied.

55 G. 3. c. 168. ss. 1, 2. (E. & I.) 17 & 18 Vict. c. 106. s. 52, part, s. 53. (S.), and see 22 & 23 Vict. c. 38. s. 12. (U.K.)

[*The enactments in the margin are not the same in all parts of the United Kingdom.*]

68. Whenever during the time a regiment is neither embodied nor assembled for training and exercise, it is necessary that a general, district or garrison court-martial should be held, it shall be lawful for Her Majesty to give the necessary directions for the holding of such court, and the officers required to form the court shall attend and form the same accordingly.

69. For holding a regimental or detachment court-martial during the time a regiment is neither embodied nor assembled for training and exercise, in any case in which such court-martial is proper, it shall be lawful for the commanding officer of the regiment to appoint any place which he thinks fit, and to order any officers of such

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C 3

A.D. 1875.

55 G. 3. c. 168.

s. 4. (E. & I.)

17 & 18 Vict.

regiment to attend and assist as members of such court-martial, who shall thereupon attend at the time required, and assist accordingly.

c. 106. s. 56, part (S.) altered.

Consequences of officers not attending.

70. All officers who refuse or neglect to attend any such court-martial as aforesaid shall be liable to be tried by a general court-martial, to be assembled according to this Act, for such disobedience of orders;

Pay and allowance to officers.

55 G. 3. c. 168.

ss. 3, 4. (E. & I.)

17 & 18 Vict.

c. 106. ss. 55, 56,

part (S.), 23 &

24 Vict. c. 94.

s. 19. (U.K.)

and all officers attending to form any such court shall be entitled to pay during such attendance, and to such allowances for their travelling expenses in going to such court-martial and returning therefrom as the Secretary of State may by any regulations from time to time direct.

Court-martial how to proceed.

55 G. 3. c. 168.

ss. 3, 4.

(E. & I.)

17 & 18 Vict.

c. 106. s. 55.

part (S.)

71. Every court-martial appointed as aforesaid shall be sworn and held in the same manner as if the Militia were embodied at the time of holding the said court-martial, and shall have the like powers and be of the same effect in all respects as if the Militia from which the officers thereof are assembled was then embodied, save as in this Act otherwise provided.

Consequences of fraudulent Re-enlistment in Militia.

Fraudulent re-enlistment to be deemed desertion.

22 & 23 Vict.

c. 38. s. 10.

72. If any militiaman before the expiration of his engagement as a militiaman in any regiment enlist or offer to enlist himself in any other regiment of Militia raised in any part of the United Kingdom, or in the same regiment, (save in the way of lawful renewal of his engagement,) whether by the same or by different names, he shall be deemed a deserter.

See also 42 G. 3. c. 90. s. 64., 42 Geo. 3. c. 91. s. 59 (S.) 49 Geo. 3. c. 120. s. 63. (I.) 57 G. 3. c. 57. s. 3.

Militiamen fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.

22 & 23 Vict.

c. 38. s. 11.

73. If any militiaman before the expiration of his engagement enlist or offer to enlist himself as a militiaman as aforesaid, he may, by order of the Secretary of State, be required to serve in any regiment of Militia in which he may have fraudulently enlisted or offered to enlist himself, and shall thereupon be liable to serve in such regiment, for the same term and in the same manner as if his enlistment therein had been lawful, or he had been lawfully enlisted pursuant to his offer;

and such order may be made upon any such militiaman in lieu of or in addition to any punishment to which he may be otherwise liable, whether he may have been tried by a court-martial or before a justice;

and every such offender shall forfeit all bounty (if any) due or which would have become due to him, and shall be subjected to such stoppages from his daily pay, and for such time, and to be applied in such manner, as the Secretary of State may direct, to meet the loss or expense occasioned by the fraudulent conduct of the offender.

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74. The justice before whom a militiaman is convicted of having enlisted or offered to enlist himself in another regiment of Militia, or more than once in the same regiment, shall send or cause to be sent to the Secretary of State for War, a report of such conviction, stating the name of such militiaman, the regiment to which he belongs, the offence of which he has been convicted, and the sentence or decision of the justice thereon, and where such militiaman is imprisoned in pursuance of such conviction, the period when the imprisonment will expire :

For such report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more :

And the Secretary of State may cause to be paid to the person or persons by whom or by whose means the offender was apprehended and his conviction obtained such sum not exceeding *twenty shillings* as the Secretary of State may think fit.

The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

17 & 18 Vict. c. 105. s. 41.
17 & 18 Vict. c. 106. s. 60. (S.), which omits the last par. of this clause.
17 & 18 Vict. c. 107. s. 24. (I.)

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

75. If any person knowingly enlist or enter any militiaman in Her Majesty's regular forces or royal marines, or into Her Majesty's Navy, or in or into any of Her Majesty's reserve or auxiliary forces, other than the Militia, except where by law authorised so to do, the enlistment or entry shall, save as herein otherwise provided, be null and void :

And if any militiaman enlisting or entering into any of the said forces other than the Militia deny or do not disclose to the person enlisting or entering him that he belongs to the Militia, he shall be deemed to have enlisted or entered fraudulently.

Enlistment or entry of a militiaman into land or sea forces] void.

42 G. 3. c. 90. s. 64, part.
42 G. 3. c. 91. s. 59, part (S.)
49 G. 3. c. 120. s. 63, part (I.)

[The enactments from which this clause is taken do not apply to entry for the Navy.

35 The second paragraph is new in terms, but will serve to connect this and the following clauses.]

76. If any militiaman fraudulently enlist or enter into any of the said forces other than the Militia, he shall be liable to be tried by court-martial and punished as for desertion from the service into which he has fraudulently enlisted or entered :

Fraudulent enlistment or entry into land or sea forces by militiaman

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C 4

A.D. 1875. Provided always, that it shall be lawful for the Secretary of State to give such general directions as may from time to time appear to him necessary for placing any militiaman fraudulently enlisting or entering as aforesaid under stoppage of one penny a day of his pay for eighteen months in lieu of his being tried by court-martial as aforesaid, and in case such militiaman belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days; and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his Militia regiment, or be deemed to belong to the force in which he fraudulently enlisted or entered, in the same manner as if he had not been a militiaman at the time of his attestation or entry, in which latter case his service under such attestation or entry shall not be reckoned for pension, until the day on which his engagement for the Militia would have expired unless otherwise ordered under the Mutiny Act or other authority.

punishable as desertion. Militiamen enlisting or entering may be put under stoppages, &c. instead of being tried by court-martial as deserters.
23 & 24 Vict. c. 94. s. 18.
38 & 39 Vict. c. 7. (*Mutiny Act*) s. 50. part, and c. 8. (*Marine Mutiny*) s. 67.; and see 42 G.3. c. 90. s. 64.
42 G.3. c. 91. s. 59. (S.)
49 G.3. c. 120. s. 63. (I.)
57 G.3. c. 57. s. 3.
17 & 18 Vict. c. 105. s. 42. part. 17 &

Where under such direction as aforesaid such militiaman is to belong to the force in which he fraudulently enlisted or entered, from the time of his attestation or entry, he shall be deemed released from further service in the Militia under his enlistment.

18 Vict. c. 106. s. 61. part (S.) 17 & 18 Vict. c. 107. s. 25. part (I.)

[The first part of the section of the Mutiny Act referred to in the margin is here altered so as to make it clear from what service the constructive desertion is to be. This clause varies from the existing enactments, but only so far as to harmonize them.]

This clause does not embody but saves the qualification in sect. 50 of the Mutiny Act, enabling the service for pension under special circumstances to reckon from attestation.]

Permissive enlistment of militiamen in the regular forces.
23 & 24 Vict. c. 94. s. 17. Altered.

Provision against enlistment in Militia of men belonging to the Reserve Force.
New.

77. The Secretary of State may, from time to time, by any general or special regulations or directions; authorise the enlistment of militiamen in Her Majesty's regular forces; and militiamen enlisting therein in conformity with such regulations or directions shall be deemed discharged from the Militia.

78. If any person enlist in the Militia any man who is enrolled in the Reserve Force established under the Reserve Force Act, 1867, or any Act repealing or amending the same, the enlistment of such man in the Militia, unless the same be authorised by the Secretary of State, shall be null and void;

and any such man enlisting or offering to enlist himself in the Militia, without the authority of the Secretary of State, shall, in

addition to any other punishment to which he may be liable, forfeit any sum not exceeding forty shillings, to be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding;

5 and any person knowingly enlisting any such man in the Militia shall forfeit any sum not exceeding *twenty pounds*.

[*The restriction on enrolment of seamen or seafaring men in 43 G. 3. c. 50. s. 7. as substitutes or volunteers is not inserted in this Bill.*]

Provision as to Servants enrolled.

10 **79.** If any servant whatever, hired by the year or otherwise, be enlisted as a militiaman by virtue of this Act, such enlistment shall not vacate or rescind the contract or alter the engagement between such servant and his master or employer, unless the Militia of the county for which such servant is enlisted be embodied under this Act, or unless such person so enlisted leave the service of his master or employer for the purpose of preliminary training or training and exercise in pursuance of this Act, and do not return again to the same service at the end of the period of preliminary training or training and exercise, or as soon after as reasonably may be, but his master or employer shall be entitled to an abatement from his wages in proportion to the duration of his absence from his said service;

Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c. :

and in every such case where any dispute arises between such servant and his master or employer touching any money due to such servant on account of service performed before his departure from service, by reason of the embodiment of the Militia in which he is enlisted, or touching any abatement to be made by such servant by reason of his absence for preliminary training or training and exercise, and the sum in question does not exceed the sum of twenty pounds, the same may be determined as follows :

and if any dispute arise touching wages affecting a sum under 20*l.* a justice may settle it in a summary way.

30 In England or Ireland, any justice for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, and make such order for the payment of so much wages to such servant as, having regard to the service he has performed, or the duration of his absence from his service (as the case may require), may to such justice seem just and reasonable :

42*G. 3. c. 90. s. 61. 17 & 18 Vict. c. 106. s. 70. (S.) and see 42 G. 3. c. 91. s. 56. (S.) 49 G. 3. c. 120. s. 122. (I.)*

40 In Scotland, the sheriff of the county or any two or more justices for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, in like manner as if the sum claimed were within the amount to which their jurisdiction under the Acts for the [202.]

A.D. 1875.

recovery of small debts respectively for the time being extends, and grant warrant for the recovery of the sum decerned for by poiding and sale in common form.

Penalties for harbouring Deserters.

Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

42 G. 3. c. 90. ss. 110, 116. part.

42 G. 3. c. 91. ss. 106, 112. (S.)

40 G. 3. c. 120. ss. 43, 56. (I.)

17 & 18 Vict. c. 105. s. 47.

17 & 18 Vict. c. 106. s. 66. (S.)

17 & 18 Vict. c. 107. s. 30. (I.)

80. If any person by words or other means persuade any militiaman improperly to absent himself from his duty, or assist or procure any militiaman improperly to absent himself as aforesaid, or conceal, employ, or continue to employ any militiaman, knowing him to be so improperly absent, he shall for every such offence where the Militia to which such man belongs is not embodied, forfeit a sum not exceeding *twenty pounds*, and where such Militia is embodied forfeit a sum not exceeding *one hundred pounds*.

The Mutiny Act shall not apply to any offence punishable under this section.

[It seems doubtful whether 42 G. 3. c. 91. s. 56. (S.) imposing a penalty of 15 100l. during embodiment would apply to volunteers under 17 & 18 Vict. c. 106., and s. 66. of that Act imposing a penalty of 20l. probably only applies during training.

The Act for Ireland (49 Geo. 3. c. 120. s. 56.) only imposes a 5l. penalty when the Militia is embodied; the same penalty was imposed by s. 43. during training, and the latter penalty only (see preceding sections of the Act) seems to be increased to 20l. by 17 & 18 Vict. c. 107. s. 30.

The last paragraph is new, and is intended to prevent conflict between this clause and the provisions making applicable the Mutiny Act.

The enactments imposing penalties on militiamen for selling arms, &c., and on others for buying militia arms or stores (see 42 Geo. 3. c. 90. s. 101., 17 & 18 Vict. c. 105. s. 48.), are omitted, it being considered that the enactments of the Mutiny Act and Articles of War sufficiently meet these cases, and should apply.] 25

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports. 30

As to Berwick-upon-Tweed.

See 42 G. 3. c. 90. s. 149.

Militia of Isle of Wight.

See 42 G. 3. c. 90. s. 150.

81. For the purposes of this Act the borough and town of Berwick-upon-Tweed shall be deemed to be situate within the county of Northumberland.

and see 17 & 18 Vict. c. 105. s. 30.

35

82. Save with respect to the appointment of officers the Militia of the Isle of Wight shall be deemed a part of the Militia of the county of Southampton; but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise order and direct. 40

Militia of the Tower Hamlets.

83. The liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower

Hamlets, shall be deemed a separate county for the purposes of this Act. A.D. 1875.

84. The city of London shall be deemed a separate county for the purposes of this Act, save that nothing in this Act concerning the appointment of lieutenants and deputy lieutenants of counties shall apply to the said city. 15 & 16 Vict.
c. 50. s. 35.
Militia of
the city of
London.
See 1 G. 4.
c. 100.

85. A regiment of miners shall continue to be raised for the counties of Cornwall and Devon as part of the Militia of the United Kingdom, and the provisions of this Act shall be applicable for raising such regiment, and otherwise in relation thereto, in like manner as to the Militia of a separate county. Miners of
Cornwall
and Devon.
See 42 G. 3.
c. 72.
51 G. 3.
c. 114.
15 & 16 Vict. c. 50. s. 38. 17 & 18 Vict. c. 105. s. 54.
18 & 19 Vict. c. 1. s. 16.

86. Militia shall be raised and kept up for the Cinque Ports, two ancient towns, and their members, as part of the Militia of the United Kingdom, but separate from the Militia of the several counties within which the said ports, towns, and members are situate; and the provisions of this Act shall be applicable for raising the Militia of the said ports, towns, and members, and otherwise in relation thereto, as to the Militia of a separate county. Provision
as to the
Cinque
Ports.
42 G. 3. c. 90.
s. 155.

Royal Warrants, &c. as to Pay, &c.

87. Subject to the provisions of this Act and any other Act of Parliament for the time being in force, Her Majesty may, by royal warrants, orders, and regulations, give directions as to the bounty pay, promotion, clothing, and government of the Militia, and as to other matters and things relating to the Militia in the same manner and to the same extent in and to which Her Majesty may, by royal warrants, orders, and regulations, give directions as to the pay, promotion, and government of Her Majesty's regular forces, and other matters and things relating to Her Majesty's regular forces. Power to
Her Majesty
to regulate
the Militia
by warrants
and regu-
lations, &c.
37 & 38 Vict.
c. 29. s. 2.

Recovery and Application of Penalties.

88. Every pecuniary penalty imposed by this Act exceeding the sum of twenty pounds shall be recovered by action in any of Her Majesty's Superior Courts of Law at Westminster or in Dublin, or any court substituted for the same respectively, or in the Court of Session in Scotland. Recovery of
penalties.
42 G. 3. c. 90.
s. 176.
42 G. 3. c. 91.
s. 172. (N.)
49 G. 3. c. 1. 9.
s. 143. (I.)
17 & 18 Vict.
c. 105. s. 49.

And any other pecuniary penalty imposed by this Act, the recovery of which is not herein otherwise provided for, shall be recovered as follows,—

A.D. 1875.

18 & 19 Vict.
c. 49. s. 7. (I.)
17 & 18 Vict.
c. 106. s. 71.
(S.)

11 & 12 Vict.
c. 43.
14 & 15 Vict.
c. 93.

In England or Ireland, such pecuniary penalty shall be recovered by summary proceedings before any justice in or near to the place where the offence was committed, or where the offender may at any time be, under the Act of the eleventh and twelfth years of Her Majesty, chapter forty-three, or any Act amending 5 the same (as to England), or under the Act of the fourteenth and fifteenth years of Her Majesty, chapter ninety-three (as to Ireland):

In Scotland, any such pecuniary penalty shall, on conviction of the offence in any action or complaint at the instance of the 10 procurator fiscal of the county where the offence is committed, or where the offender may at any time be, or at the instance of any party to whom the same or part thereof is made payable, or the performance of whose duty under this Act may require the enforcement of the provisions in respect of the breach of 15 which such penalty is imposed, with the concurrence of the procurator fiscal, before the sheriff, or any two or more justices of such county, be levied by poinding and sale of the offenders goods and effects by warrant under the hands of such sheriff or justices, or by imprisonment for any time not exceeding *three* 20 *months*.

It shall not be lawful for any justice to mitigate any penalty for any offence against this Act below any limit fixed by this Act, any power contained in any Act to the contrary notwithstanding.

"The Small Penalties Act, 1865," or any Act amending or 25 substituted for the same, shall not apply to any penalty imposed under this Act in respect to which any period of imprisonment is herein specified.

[The two last paragraphs are new; the penultimate paragraph is intended to carry out 27 & 28 Vict. c. 110.]

30

Justices may grant warrants for the citation of witnesses. 17 & 18 Vict. c. 106. s. 75. (S.)
Application of certain penalties. 17 & 18 Vict. c. 105. s. 50. 17 & 18 Vict. c. 106. s. 73. (S.)

89. In all cases in the execution of this Act in Scotland, when any matter or thing is directed to be inquired of or examined into before justices, such justices may grant warrant for the citation of witnesses, and administer oaths to witnesses, with the same powers as justices have under the Acts for the recovery of small debts. 35

90. *One moiety* of every pecuniary penalty imposed under this Act upon any person assisting, procuring, or persuading any militiaman improperly to absent himself from his duty, or concealing, employing, or continuing to employ any such militiaman, knowing him to be so improperly absent, shall go to the person who informs 40 or sues for the same, and the other moiety, or where the offence is proved by the person who informs then the whole of the penalty, shall

be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding; A.D. 1875.
17 & 18 Vict.
c. 107. s. 33.
(I.)

*The existing enactments apply also to penalties for buying, &c. arms, &c.
As to this, see note on clause 80.*

5 **91.** Every justice who adjudges any penalty under this Act, all or any part of which is applicable as the Secretary of State may direct, shall, within four days, report the same, and his adjudication thereof, to the Secretary of State for War. Justice to
report to
Secretary
of State.
See refe-
rences in pre-
ceding clause.

92. All pecuniary penalties imposed by this Act upon militia-
10 men (except the stoppages from pay herein-before provided for, and except forfeiture of bounty, which shall be brought to public credit,) and all other pecuniary penalties imposed by this Act, the application of which is not herein otherwise provided for, shall, notwithstanding anything in any Act to the contrary, be paid to
15 the commanding officers of the respective regiments to which the offenders belong, and shall be made and accounted for as part of the public stock of such regiments respectively. Application
of penalties
on militia-
men.
42 G. 3. c. 90.
s. 176.
42 G. 3. c. 91.
s. 172. (S.)
17 & 18 Vict.
c. 105. s. 51.
17 & 18 Vict.
c. 106. s. 74.
(S.)

*17 & 18 Vict. c. 107. s. 34. (I.) 22 & 23 Vict. c. 38. s. 14. (U.K.) Sect. 142 of
49 G. 3. c. 120. (I.) seems intended to apply to fines on counties, and sect. 143 of
the same Act provides for other penalties going to the collectors of excise.*

Savings for Civil Rights.

93. The acceptance of a commission in the Militia shall not vacate the seat of any member returned to serve in Parliament. Commissions
in Militia not
to vacate
s. 167. (S.)

*seats in Parliament. 42 G. 3. c. 90. s. 172. 42 G. 3. c. 91.
49 G. 3. c. 120. s. 34. (I.)*

94. No officer, non-commissioned officer, drummer, or private
man of the Militia shall be liable to any penalty or punishment for
or on account of his absence during the time he is going to vote at
any election of a member to serve in Parliament, or during the
30 time he is returning from such election. Voters going
to elections
of members
not punish-
able for
absence.
42 G. 3. c. 90.
s. 173. 42 G.

*3. c. 91. s. 168. (S.) 49 G. 3. c. 120. s. 62. (I.) The enactment for Ireland
is more restrictive than this, which follows the E. & S. enactments.*

95. No man by reason of his enlistment or service in the Militia
shall lose or forfeit, or be deemed to have lost or forfeited, any
35 interest he may possess, or may have possessed at the time of his so being enrolled or serving, in any friendly or benefit society, any laws, rules, or regulations of such society to the contrary notwith-
standing; Enlistment
in Militia not
to cause for-
feiture of any
interest in
any friendly
or benefit
society.
17 & 18 Vict.
c. 105. s. 44.
17 & 18 Vict.
c. 106. s. 69.
(S.)
17 & 18 Vict.

and in case any dispute arise between any such society and any
40 such man by reason of such enrolment or service, the same shall be heard and determined by the county court as if the same were a dispute directed to be so heard and determined by section forty-one

*c. 107. s. 27.
(I.)
altered so as
to adapt it to
the under-
mentioned
Act.*

18 & 19 Vict.
c. 63. s. 41.
s. 47.

of the Act of the eighteenth and nineteenth years of Her Majesty, chapter sixty-three.

Provided always, that nothing in this enactment shall affect section forty-seven of such last-mentioned Act.

In case any Act be passed in or after the present session repealing 5 the above-mentioned sections of the said Act, then this enactment shall have reference to the substituted enactments (if any).

Exemptions from Civil Offices.

If sheriff be
a Militia
officer under
sheriff
answerable
for him when
Militia is
embodied.
*2 & 3 Vict.
c. 59.*

96. If any sheriff be an officer of the Militia at any time when the Militia of which he is such officer is embodied, he shall be 10 discharged from personally performing the office of sheriff while the Militia remains embodied, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff, during the same time; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the 15 Queen, her heirs and successors, and to all persons whomsoever, for the due performing of his office during such time.

Officers, &c.
not liable to
serve as
peace offi-
cers, &c.
*42 G. 3. c. 90.
s. 174. 42 G.*

97. No officer, non-commissioned officer, drummer, or private man of the Militia shall be compelled to serve as a peace officer or parish officer, or, in Scotland, to perform any highway duty, 20 commonly called statute work.

3. c. 94. s. 169. (S.), 49 G. c. 120. s. 29. (I.)

No Certiorari, &c. Limitation of Actions, &c.

Proceedings
not to be
removed, &c.
*42 G. 3. c. 90.
s. 177.
42 G. 3. c. 91.
s. 173. (S.),*

98. No conviction, decree, act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be re- 25 moved into any court or superseded by certiorari, advocation, suspension, or otherwise, or be subject to any sist of execution.

17 & 18 Vict. c. 106. s. 72. (S.), 49 G. 3. c. 120. s. 146. (I.), altered.

Limitation of
actions.

99. If any action or suit be brought against any person for anything done in pursuance of this Act, such action or suit shall be 30 commenced within six months next after the fact committed, and in England shall be laid in the county or place where the cause of complaint arose; and in England the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and 35 in England or Ireland if the jury find for the defendant in any such action or suit, or if the plaintiff be nonsuit, or discontinue his action or suit after the defendant has appeared, or if upon demurrer judgment be given against the plaintiff, the defendant shall receive

General
issue.

- such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about such action or suit as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs
- 5 by such officer, and shall have the like remedy for the same as any defendant has in other cases to recover costs by law, and in Scotland if the defender be assoilzied he shall have decree for three times his expenses in the action, and have the like remedy for the same as any defender has in other cases to recover expenses by the law of
- 10 Scotland.

A.D. 1875.
Full costs.
42 G. 3. c. 90.
s. 178.
42 G. 3. c. 91.
s. 174. (S.)
17 & 18 Vict.
c. 106. s. 77.
(S.)
49 G. 3. c. 120.
s. 147. (I.)
5 & 6 Vict.
c. 97. s. 2.

Repeal of Acts.

100. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in such schedule specified ;

Repeal of
existing
Acts.

- but such repeal shall not revive any enactment or, save as herein
- 15 otherwise provided, affect any past act, or any existing right or title, or any remedy in respect thereof, or the proof of any past act ;

- and all existing orders and directions in relation to the organization of the Militia, the uniting of the Militia, or portions of the
- 20 Militia, of two or more counties, or otherwise, which may have been made or given under any enactment hereby repealed, and all existing regulations made under any enactment hereby repealed, shall be of the same force and effect as if made under this Act ;

Saving for
existing
orders, com-
missions,
terms of
service, &c.
See 42 G. 3.
c. 90. ss. 1,
15, 16.
15 & 16 Vict.
c. 50. s. 7.

- and every existing commission and appointment shall be of the
- 25 same force and effect for the execution and for all the purposes of this Act, and shall be revocable, in like manner as if the same were granted hereunder ; and the several non-commissioned officers, drummers, and private militiamen serving or liable to serve at the time of the passing of this Act shall be liable and continue to serve
- 30 in the same manner and for the same period as if this Act had not been passed, but otherwise shall be subject to the provisions of this Act, and shall be deemed while serving part of the quotas directed to be raised under this Act for their several counties, and their service before the passing of this Act shall be reckoned as if the
- 35 same had taken place hereunder ;

and any offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed ;

- and any unrepealed Act of Parliament in which reference is made
- 40 to any provisions hereby repealed shall be construed as if in such

A.D. 1875. first-mentioned Act reference had been made to the corresponding provisions of this Act.

Saving of
ballot pro-
visions.

101. The number or quotas of men to be raised by ballot in any part of the United Kingdom shall not be altered by or under this Act; and nothing in this Act shall otherwise affect the provisions 5 for the raising of men by ballot.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

I.—Acts relating to the United Kingdom, Great Britain or England.

Session and Chapter.	Title.	Extent of Repeal.
37 Geo. 3. c. 25.	- An Act for the better raising and ordering the Militia forces of the Tower Hamlets, in the county of Middlesex.	Sections eight to twelve.
42 Geo. 3. c. 72.	- An Act for repealing an Act, made in the Thirty-eighth Year of the Reign of His present Majesty, intituled, An Act for raising a Body of Miners in the Counties of Cornwall and Devon, for the Defence of the Kingdom during the present War; and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain.	Sections twenty to twenty-seven and thirty-two.
42 Geo. 3. c. 90.	- An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia.	Sections one to seventeen and sixty-one. Section sixty-four to "twenty pounds;". Sections sixty-eight to ninety-nine, one hundred and one to one hundred and twenty-one, one hundred and twenty-seven, one hundred and forty to one hundred and forty-seven and one hundred and seventy-two to one hundred and seventy-six. Schedules F. and G.
43 Geo. 3. c. 47.	- An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen of England, when called out into actual Service.	The whole.
46 Geo. 3. c. 90.	- An Act to enable His Majesty annually to train and exercise a Proportion of His Subjects in England, under certain Regulations, and more effectually to provide for the Defence of the Realm.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
46 Geo. 3. c. 140. -	An Act to amend Two Acts, passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	The whole.
51 Geo. 3. c. 114. -	An Act to permit the Services of the Regiment of Miners of Cornwall and Devon to be extended to Ireland.	Sections three, six, seven and nine.
51 Geo. 3. c. 118. -	An Act to permit the Interchange of the British and Irish Militias respectively.	Sections three, five to seven and ten.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	The whole.
55 Geo. 3. c. 65.	An Act to amend the Laws relating to the Militia of Great Britain.	Sections five, seven and nine.
55 Geo. 3. c. 168.	An Act to explain and amend the Laws relating to the Militias of Great Britain and Ireland.	The whole.
56 Geo. 3. c. 64	An Act to repeal several Acts relating to the Militia of Great Britain, and to amend other Acts relating thereto.	The whole.
57 Geo. 3. c. 57.	An Act to empower His Majesty to suspend Training, and to regulate the Quotas of the Militia.	The whole.
10 Geo. 4. c. 10.	An Act to suspend, until the End of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the permanent Staff, and regulate the Allowances of Serjeants hereafter appointed.	The whole.
2 & 3 Vict. c. 59.	An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.	The whole.
15 & 16 Vict. c. 50.	An Act to consolidate and amend the Laws relating to the Militia in England.	Sections one to seven, eleven to seventeen, nineteen, twenty, twenty-two, twenty-five to twenty-nine, thirty-three and thirty-four.
17 & 18 Vict. c. 13.	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 105.	An Act to amend the Laws relating to the Militia in England and Wales.	Sections thirty-one to thirty-six, thirty-eight to fifty-one, fifty-three, fifty-five and fifty-six. Schedule C.
18 & 19 Vict. c. 1.	An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.	The whole.
18 & 19 Vict. c. 100.	An Act to amend the Law concerning the Qualification of Officers of the Militia.	The whole.
22 & 23 Vict. c. 38.	An Act further to amend the Laws relating to the Militia.	The whole.
23 & 24 Vict. c. 94.	An Act to amend the Laws relating to the Militia.	Sections one and thirteen to nineteen.
32 & 33 Vict. c. 13.	An Act for amending the Law relating to the Militia.	The whole.
33 & 34 Vict. c. 68.	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.
36 & 37 Vict. c. 68.	An Act for extending the Period of Service in the Militia; and for other purposes.	Sections one to five.

II.—*Acts relating to Scotland.*

Session and Chapter.	Title.	Extent of Repeal.
42 Geo. 3. c. 91. -	An Act to raise and establish a Militia Force in Scotland.	Sections one to twelve and fifty-six. Section fifty-nine to "twenty pounds;". Sections sixty, sixty-three to ninety-five, ninety-seven to one hundred and seventeen, one hundred and twenty-two, one hundred and thirty-five to one hundred and forty, one hundred and forty-four to one hundred and forty-eight and one hundred and sixty-seven to one hundred and seventy-two. Schedules F. and G.
49 Geo. 3. c. 90. -	An Act for providing Relief for the Wives and Families of the Militia Men in Scotland, when called into actual Service.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 106.	An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force in Scotland.	Sections two to eleven, thirteen to thirty-five and forty-three to sixty-eight. Section sixty-nine, except so far as it relates to the Naval Coast Volunteers. Sections seventy to seventy-seven. The Schedule.

III.—*Acts relating to Ireland.*

Session and Chapter.	Title.	Extent of Repeal.
49 Geo. 3. c. 120. -	An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	Sections seven to sixty-two. Section sixty-three to "twenty pounds;". Sections one hundred and twenty-two and one hundred and forty-three.
51 Geo. 3. c. 78. -	An Act to make Provision in certain cases for the Wives and Families of Serjeants, Corporals, Drummers, and Privates serving in the Militia of Ireland.	The whole.
52 Geo. 3. c. 28. -	An Act to amend an Act of the last Session of Parliament making Provision for the Families of Militia Men in Ireland.	The whole.
52 Geo. 3. c. 29. -	An Act to amend the laws relating to the Militia of Ireland.	Section two.
53 Geo. 3. c. 48. -	An Act to amend the Laws for raising and training the Militia of Ireland.	Sections one and six.
53 Geo. 3. c. 154. -	An Act to render valid, and to authorize the Payment and Granting of certain Pensions at Kilmainham Hospital, and to empower the Commissioners of the said Hospital to commute Pensions for a Sum of Money in certain cases.	Section three.
54 Geo. c. 179. -	An Act to amend an Act passed in the Forty-ninth Year of His present Majesty's reign, intituled An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
1 & 2 Will. 4. c. 17.	An Act to provide for the better Order and Government of Ireland, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.	Sections one, two and four to seventeen.
17 & 18 Vict. c. 107.	An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland.	Sections one to thirty-five. Schedule C.
18 & 19 Vict. c. 19.	An Act to remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.	The whole.

Militia Laws Consolidation and Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To consolidate and amend certain Laws relating to the Militia of the United Kingdom.

*(Prepared and brought in by
Mr. Secretary Hardy, the Judge Advocate,
and Mr. Stanley.)*

*Ordered, by The House of Commons, to be Printed,
10 June 1875.*

[Bill 202.]

Under 6 oz.

A

B I L L

FOR

Appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith. A.D. 1875.

WHEREAS it is expedient that inquiry be made, under the authority of Parliament, respecting the increase and character of monastic and conventual institutions in Great Britain, and respecting their property and income, and matters connected therewith:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Monastic and Conventual Institutions Act, 1875. Short title.

2. Seven persons, appointed as in this Act provided, shall be Commissioners to inquire— Objects of inquiry.

(a.) Into the numbers, at the passing of this Act and from time to time since the beginning of the present century, and the respective situations and character, of monastic and conventual institutions in Great Britain, whether having, wholly or in part, educational objects or not:

(b.) Into the property or income held by or for those institutions, and the conditions on which the same is held; and whether the mode of acquisition and the holding thereof, or the purposes for which the same is held, are in contravention of the principle of the law against superstitious uses, or of the law of mortmain, or of the law relating to charities:

(c.) What regulations are needed with respect to convents in Great Britain.

3. The Commissioners shall be appointed as follows (namely); one by the Lord Chancellor of Great Britain, one by the Speaker Appointment of Commissioners.
[Bill 69.]

A.D. 1875.

of the House of Commons, one by the Lord Chief Justice of England, two by the Roman Catholic Poor Schools Committee, one by the Charity Commissioners for England and Wales, and one by Commissioners in Lunacy.

Any vacancy caused by death, resignation, or otherwise in the office of Commissioner shall be filled by the appointment of another person to be a Commissioner by the authority by whom the vacating Commissioner was appointed.

Each appointment of a Commissioner shall be certified in writing by the authority appointing, in the first instance to the Lord Chancellor, and afterwards to the Secretary of the Commissioners.

The Commissioners for the time being are in this Act referred to as the Commissioners.

The powers of this Act may be exercised by any or more of the Commissioners, and notwithstanding any vacancy in their number.

Authority of
Commis-
sioners.

4. The Commissioners shall have, for the purposes of this Act, all such powers, rights, and privileges as are vested in any of Her Majesty's superior courts in England, or in any judge thereof, or in the Court of Session in Scotland or in any judge thereof, on the occasion of any action, suit, or proceeding, in respect of the following matters

- (a.) The enforcing the attendance of witnesses, and examining them on oath, affirmation, or otherwise :
- (b.) The compelling the production of documents :
- (c.) The punishing persons guilty of contempt.

For those purposes a summons of the Commissioners shall be equivalent to any form of process issueable in an action, suit, or proceeding in that respective court; and proceedings before the Commissioners shall be deemed judicial proceedings.

All constables and other peace officers, and keepers of prisons, and other public officers, shall obey and execute the orders and warrants of the Commissioners, and assist the Commissioners in the execution of their office.

The Commissioners individually shall have the like protection and privileges as justices of the peace acting in execution of their office.

Evidence not
to be avail-
able else-
where.

5. Evidence taken under this Act shall not be admissible as evidence in any other proceeding whatever.

Power for
superior
court, &c.
to discharge

6. Any of Her Majesty's superior courts of law in England, or in vacation a judge thereof, or the Court of Session in Scotland, or in vacation a judge thereof, may, in the discretion of the court or

judge, on application in a summary way, discharge, vary, or suspend, on terms or otherwise, any order or warrant of the Commissioners. A.D. 1875.
orders of
Commis-
sioners, &c.

7. The Commissioners shall from time to time make a report to one of Her Majesty's Principal Secretaries of State, and shall make their final report to him within *three* years after the passing of this Act; and at the end of those *three* years the duties of the Commissioners shall cease, but without prejudice to the operation of any order or warrant made or thing done by them within those *three* years, or to the protection by this Act given to them or to any other person; and every such order, warrant, and thing, and all such protection as aforesaid, shall continue in force and subsisting as if the duties of the Commissioners had not ceased. Reports to
Secretary of
State and
cesser of
Commission.

Every report of the Commissioners shall be laid before both Houses of Parliament; and no person shall be liable in any proceeding by reason of his publishing the same or any part thereof, or of his publishing a fair account of any evidence taken under this Act.

8. *The reasonable expenses, as allowed by the Commissioners, of persons giving evidence before the Commissioners, and the remuneration of the secretary, assistant commissioners, clerks, and other officers, from time to time appointed by the Commissioners and the other expenses of the Commissioners, shall be paid out of money provided by Parliament.* Expenses.

Monastic and Conventual Institutions.

A

B I L L

For appointing Commissioners to inquire
respecting Monastic and Conventual
Institutions in Great Britain, and for
other purposes connected therewith.

*(Prepared and brought in by
Mr. Newdegate, Sir Thomas Chambers, and
Mr. Holt.)*

*Ordered, by The House of Commons, to be Printed,
16 February 1875.*

[Bill 69.]

Under 1 oz.

Municipal Corporations (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Interpretation of words.
3. Corporation of Dublin to appoint sheriff.
4. Other corporations to appoint sheriffs.
5. Present sheriffs to continue in office until new appointments.
6. Person appointed to office of sheriff may decline.
7. Sheriffs may be superseded.
8. Vacancies to be filled.
9. Office of sheriff not to be deemed one of profit.
10. Corporations to appoint clerk of the peace in counties of cities and towns ;
11. And in boroughs with grant of separate quarter sessions.
12. Corporations may grant honorary freedom.

A
B I L L

TO

Extend to Municipal Corporations in Ireland certain privileges A.D. 1875.
now exercised and enjoyed by Municipal Corporations.

WHEREAS before and at the time of the passing of the Acts Preamble.
for the regulation of municipal corporations in England and
Ireland, passed respectively for England in the sixth year of the
reign of His late Majesty King William the Fourth, and for Ireland
5 in the fourth year of the reign of Her Majesty the now Queen, the
municipal corporations of cities and towns which were counties in
themselves had, both in England and Ireland, enjoyed and exer-
cised from very ancient times and by virtue of ancient charters
and usages the privilege and right of appointing sheriffs for such
10 counties of cities and counties of towns : And whereas such right has
been preserved to and is now enjoyed by such corporations in England,
but has been taken away from those in Ireland, and it is expedient
to restore such right to municipal corporations in Ireland, and also in
other respects to enlarge and extend the privileges now enjoyed by
15 municipal corporations in Ireland in order more nearly to assimilate
them to those enjoyed by similar bodies in England and Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
20 authority of the same, as follows :

1. This Act may be cited for all purposes as "The Municipal Short title of
Act.
Privilege Act, Ireland, 1875."

2. "Borough" in this Act shall mean and include any city, town, Interpreta-
tion of words.
or borough in which a municipal corporation now exists or shall
25 hereafter exist, pursuant to any statute regulating municipal corpo-
rations in Ireland ; and the word "mayor" shall, as to the city of
Dublin, mean and include the lord mayor.

3. On the *first day of December* immediately after the passing of Corporation
of Dublin to
appoint
sheriff.
the Act, and on the first day of December in every year following,
[Bill 41.] A

A.D. 1875. or in case such day shall fall on a Sunday, then on the day after, the council of the city of Dublin shall appoint a fit person to execute the office of sheriff for the county of the city of Dublin, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and 5 the person so appointed shall, on the *first day of January* or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, have and exercise the said office of sheriff until his successor shall have been appointed and likewise taken the oaths required by law. 10

Other corporations to appoint sheriffs.

4. Upon the first day of December in this and every succeeding year, or in case such day shall fall upon a Sunday, then upon the day following, the councils of the following cities and towns shall in like manner respectively appoint a fit person to be sheriff for the following counties respectively; that is to say, 15

The council of the city of Cork, for the county of the city of Cork;

The council of the city of Limerick, for the county of the city of Limerick;

The council of the city of Waterford, for the county of the city of 20 Waterford;

The council of the city of Kilkenny, for the county of the city of Kilkenny;

The council of the town of Drogheda, for the county of the town of Drogheda; 25

and each of the persons so appointed shall in like manner execute the office of sheriff of each of the said counties respectively, and shall enter on the said office on the first day of January following his election, or so soon thereafter as he shall in manner herein-after mentioned have taken the oaths required by law, and shall hold 30 office until his successor shall have been appointed and likewise taken the oaths required by law.

Present sheriffs to continue in office until new appointments.

5. The person now filling the office of sheriff in each of the said counties shall continue to hold and execute same until the first of January next, and until a sheriff appointed under this Act shall 35 have entered on his office and taken the oaths required by law.

Person appointed to office of sheriff may decline.

6. Any person appointed to the office of sheriff under the provisions of this Act may decline to serve without incurring any penalty.

Sheriffs may be superseded.

7. Sheriffs appointed under the provisions of this Act may be 40 superseded by the Crown in the same manner as sheriffs for counties can now be superseded.

8. If at any time after the passing of this Act a vacancy shall occur in the office of sheriff of any of the said counties, or if any person appointed sheriff under this Act shall refuse to act, die, or become incapable of acting before he enters on his office, or shall
 5 be superseded, the council to whom the appointment of the said sheriff belongs shall, within one week after notice of refusal, or of the sheriff being superseded, or of a vacancy, death, or incapacity as aforesaid, at a meeting duly convened by the mayor, appoint a fit person to fill the said vacancy or to be in the room and stead of
 10 the person so refusing, superseded, dying, or becoming incapable.

A.D. 1875.

—
 Vacancies to be filled.

9. The office of sheriff shall not be deemed to be an office of profit in the gift or disposal of or under the council of any borough within the meaning of any statute regulating municipal corporations in Ireland, nor shall any person, by reason of being appointed
 15 to such office, be disqualified from being elected or being an alderman or councillor of such borough, nor shall any person be disqualified or incapacitated from being appointed sheriff by reason of his being such alderman or councillor.

Office of sheriff not to be deemed one of profit.

10. Whenever after the passing of this Act a vacancy shall occur
 20 in the office of clerk of peace for any of the counties herein-before mentioned the council of the borough to whom the appointment of sheriff for such county belongs shall appoint a fit person to be clerk of the peace during his good behaviour, and the person so appointed shall discharge the duties in person, and, while he con-
 25 tinues to hold such office, have and fulfil and exercise all the emoluments, rights, duties, and privileges of same as fully to all intents and purposes as the person filling such office would have done if this Act had not been passed.

Corporations to appoint clerk of the peace in counties of cities and towns;

11. The council of every borough to which a grant of a separate
 30 court of quarter sessions has been made shall in like manner appoint a fit and proper person, subject to the like provisions, to be clerk of the peace during good behaviour whenever a vacancy shall occur in such office, and the council of every borough to which such grant shall hereafter be made shall, upon such grant being
 35 so made and whenever a vacancy shall occur in the office, in like manner appoint a fit and proper person, subject to the like provisions, to be clerk of the peace during his good behaviour.

and in boroughs with grant of separate quarter sessions.

12. From and after the passing of this Act it shall be lawful for the council of any borough in Ireland to elect and admit any
 40 person to be an honorary burgess of such borough, but no person so elected or admitted shall be entitled to vote at any election or to exercise any corporate privilege by reason of such election or

Corporations may grant honorary freedom.

A.D. 1875. admission; and no person, except the person himself who is so elected and admitted, shall be entitled to make any claims by reason thereof, or to have or enjoy any right or claim by descent, inheritance, or otherwise; but in any case in which it is by law a necessary qualification for a corporate office that the person filling same shall be on the burgess roll of the borough, any person elected and admitted as an honorary burgess shall be deemed and taken to possess such qualification. 5

Municipal Corporations (Ireland).

A

B I L L

To extend to Municipal Corporations in Ireland certain privileges now exercised and enjoyed by Municipal Corporations.

(Prepared and brought in by
Mr. Romayne, Mr. Butt, and Mr. Bryan.)

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 41.]

Under 1 oz.

Municipal Elections Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Provisions applicable to municipal elections.
2. Candidates out of United Kingdom ineligible.
3. Mayor to appoint officers for taking the poll.
4. Amendment of law.
5. Conclusiveness of burgess roll.
6. One poll to be taken for auditors and assessors.
7. Withdrawal of candidates.
8. Notices by mayor or town clerk may comprise the several wards of borough.
9. Time of holding election on extraordinary vacancies.
10. Computation of time under the Act.
11. Repeal of Acts.
12. Act to be construed with Municipal Corporation Acts.
13. Duration of Act.
14. Short title.

SCHEDULES.

A

B I L L

TO

Amend the Law regulating Municipal Elections.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

- 5 **1.** The following provisions shall be enacted and apply to nominations at all municipal elections of councillors, auditors, and assessors after the passing of this Act:

Provisions applicable to municipal elections.

- 10 1. Nine days at least before any such election the town clerk shall prepare, sign, and publish a notice in the form No. 1. set forth in the First Schedule to this Act, or to the like effect, by causing the same to be placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which any such election is to be held.

See 22 Vict. c. 35. s. 5.

- 15 2. At any such election every candidate shall be nominated in writing; the writing shall be subscribed by two registered burgesses of such borough or ward as proposer and seconder, and by eight other registered burgesses of such borough or ward as assenting to the nomination. Each candidate shall be nominated by a separate nomination paper, but the same electors, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.

See 22 Vict. c. 35. s. 6., and Ballot Act, s. 1.

- 20 Every person nominated shall be registered on the burgess of the borough, or a person whose name is inserted in the separate list at the end of the burgess roll, as provided by section three of the Act thirty-two and thirty-three Victoria, chapter fifty-five, and otherwise qualified to be elected. The nomination paper shall state the surname and other names of the person nominated, with his place of abode and description, and shall be in the form No. 2. set forth in the First Schedule to this Act, or to the like effect. And the town clerk shall provide nomination papers, and shall supply

Ballot Act, 1st sch., 25.

32 & 33 Vict. c. 55. s. 6.

22 Vict. c. 35. s. 6.

Sect. 7.

[Bill 63.]

A

A.D. 1875.

any person entitled to vote with as many nomination papers as may be required, and shall, at the request of any such persons, fill up a nomination paper in manner prescribed by this Act.

Ballot Act,
s. 1.
22 Vict.
c. 35. s. 6.

3. Every nomination paper subscribed as aforesaid shall be 5 delivered by the candidate himself, or his proposer or seconder, to the town clerk, seven days at least before the day of election, and before five o'clock in the afternoon of the last day on which any such nomination paper may by law be delivered. The mayor shall attend at the Town Hall 10 on the day next after the last day for the delivery of nominations to the town clerk between the hours of two and four in the afternoon, and shall decide on the validity of every objection made to a nomination paper. The candidate nominated by each nomination paper, and one other person 15 entitled to vote at the election to which the nomination refers, appointed by or on behalf of the candidate as herein-after mentioned, and no person other than aforesaid, shall, except for the purpose of assisting the mayor, be entitled to attend such proceedings, and each candidate and the person 20 appointed by him shall, during the time appointed by the mayor for the purposes of this section, have respectively power to object to the nomination paper of every person nominated at the same election. The decision of the mayor, if disallowing any objection to a nomination paper, shall be 25 final, but if allowing the same shall be subject to reversal on petition questioning the election or return. The appointment by or on behalf of candidates of persons as aforesaid shall be made in writing under the hand of the candidate, or, in case he is absent from the United Kingdom, then 30 under the hand of his proposer or seconder, and shall be delivered to the town clerk before five o'clock in the afternoon of the last day on which nomination papers may by law be delivered.

The town clerk shall at least *five days* before the day of 35 election cause the surnames and other names of all persons duly nominated, with their respective places of abode and descriptions, and the names of the persons subscribing their respective nomination papers as proposers and seconders, to be printed and placed on the door of the Town Hall, and in 40 some conspicuous parts of the borough or ward for which such election is to be held.

Ballot Act,
1st sch., 13.

4. Section eight of the Act of twenty-second Victoria, chapter thirty-five, so far as the same is now in force, shall apply to nominations of councillors, auditors, and assessors, duly made and allowed under the Act. A.D. 1875.
—

5 Section three of the Ballot Act, 1872, shall apply to nomination papers under this Act, and so applied, the word "returning officer" shall be taken to include town clerk in reference to the delivery of such nomination papers.

10 2. The nomination of a person who is absent from the United Kingdom shall be void, unless his written consent given within one month of the last day of his nomination before two witnesses be produced at the time of his nomination. Candidates out of United Kingdom ineligible.

15 3. At any municipal election of councillors, auditors, or assessors, the power and duty of the mayor under section twenty of the Ballot Act of 1872, to provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, shall (save as to the appointment of the alderman as returning officer for any ward) extend to the appointment of presiding officers and clerks for taking the poll and counting the votes recorded at such election. Mayor to appoint officers for taking the poll.

25 4. The provisions contained in rules 16 and 19 of the first schedule to the Ballot Act, 1872, shall not apply to any election of auditors or assessors, but the returning officer shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers, as in the judgment of the returning officer shall be necessary for effectually taking the poll at such election in other respects in the manner provided by the Ballot Act, 1872. The returning officer shall at least five days before the day of election give such public notice as may be required by law of the situation, division, and allotment of polling places for taking the poll at any municipal election, and of the description of persons entitled to vote thereat and at the several polling stations therein. Amendment of law.

See 5 & 6 Wm. 4. c. 76. ss. 33, 43, 52. Ballot Act, sch. 1., s. 19.

35 5. At any municipal election a person shall not be entitled to nominate any candidate, or to sign or subscribe any nomination paper, or to vote unless his name is on the burgess roll for the time being in force in the borough or ward for which such election shall be held; and every person whose name is on such burgess roll shall be entitled to nominate candidates, or to sign or subscribe any nomination paper, and to demand and receive a ballot paper, and to vote; provided that nothing in this section shall entitle

A.D. 1875.

Ballot Act,
s. 7.

One poll to
be taken for
auditors and
assessors.

any person to do any of the acts aforesaid who is prohibited from doing such acts or any of them by law, or relieve such person from any penalties to which he may be liable for doing any such act.

6. At the poll at any election of auditors and assessors one ballot paper only shall be used by any person voting. In such ballot paper the names of the candidates for the respective offices shall be separate, and distinguished so as to show the office for which they are respectively candidates, and the ballot paper shall be in the Form No. 3. set forth in the First Schedule to this Act or to the like effect, and the provisions of the Ballot Act, 1872, shall at any such election be altered and varied accordingly; provided always, that in counting the votes every such ballot paper shall be deemed to be a separate ballot paper in respect of each officer, and any objections thereto shall be considered and dealt with accordingly.

15

Withdrawal
of candidates.

7. Where more candidates are nominated at any municipal election than there are vacancies to be filled at such election, any of such candidates may withdraw from his candidature by notice signed by him and delivered to the town clerk not later than two o'clock in the afternoon of the last day for the publication by the town clerk of the names of the persons nominated at such election; provided that such notices shall take effect in the order in which they are delivered to the town clerk, and that no such notice shall be of any effect which is given after the number of candidates standing nominated has been reduced to the number of the vacancies to be filled.

Notices by
mayor or
town clerk
may comprise
the several
wards of
borough.

8. Any notice required by this Act to be given or published by the mayor or other returning officer or town clerk in connexion with any municipal election may, as to auditors and assessors, be comprised in one notice, and with respect to the election of councillors in any borough divided into wards, may comprise the matter necessary to such notice for the several wards in the borough, and it shall not be necessary to issue a separate notice for each ward.

Time of
holding elec-
tion on ex-
traordinary
vacancies.

5 & 6 W. 4.
c. 76. ss. 47,
55;

16 & 17 Vict.
c. 79. ss. 11,
403.

Computation
of time under
the Act.
22 Vict. c.35.

9. Section eleven of the Act sixteenth and seventeenth Victoria, chapter seventy-nine, shall be read as if *fourteen days* were therein inserted instead of ten days, and the day for holding the election in the case of any extraordinary vacancy in the office of councillor, auditor, or assessor in any borough (whether such borough shall be divided into wards or not) shall be fixed by the mayor.

10. In reckoning time for the purpose of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public holiday, fast, or public thanksgiving, shall be excluded.

11. The several Acts of Parliament mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of such schedule, but such repeal shall not affect the validity or invalidity of anything already done or suffered, or any
 5 remedy or proceeding in respect thereof, or the proof of any past act or thing.

A.D. 1875.
 Repeal of
 Acts.

12. This Act shall, as far as consistent with the tenor thereof, be construed as one with the Act fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same, and the
 10 Acts for the time being in force relating to elections of councillors, auditors, and assessors in boroughs.

Act to be
 construed
 with Muni-
 cipal Corpo-
 ration Acts.

13. This Act shall continue in force for so long only as the Ballot Act, 1872, continues in force.

Duration of
 Act.

14. This Act may for all purposes be cited as "The Municipal
 15 Elections Act, 1875."

Short title.

A.D. 1875.

FIRST SCHEDULE.

FORM No. 1.

NOTICE.

Borough of . . . Election of [Councillors, or Auditors, or
Assessors, *as the case may be*] for the [. . . Ward or several 5
Wards of the] Borough.

Take Notice

1. That an election of [*here insert the number of Councillors, Auditors, or
Assessors, as the case may be*] for the [. . . Ward or several Wards
of the] said Borough will be held on the . . . day of . . . 10

2. Candidates must be nominated by writing, subscribed by two persons
entitled to vote at the election to which the nomination refers as proposer
or seconder, and by eight persons so entitled to vote as assenting to the
nomination.

3. Candidates must be duly qualified for the office to which they are nomi- 15
nated, and the nomination paper must state the Christian name and surname of
the person nominated, with his place of abode and description, and may be
in the following form, or to the like effect:

(Set out Form No. 2.)

4. Each candidate must be nominated by a separate nomination paper, but 20
the same electors or any of them may subscribe as many nomination papers as
there are vacancies to be filled for the Borough [*or Ward*], but no more.

5. Every person who forges a nomination paper, or delivers any nomination
paper knowing the same to be forged, will be guilty of misdemeanor, and be
liable to imprisonment for any term not exceeding six months, with or without 25
hard labour.

6. Nomination papers must be delivered by the candidate himself, or his
proposer or seconder, to the town clerk at his office before five o'clock in the
afternoon of . . . day the . . . day of . . . next.

7. The mayor will attend at the Town Hall on . . . day the . . . 30
day of . . . , from two to four o'clock in the afternoon, to hear
and decide objections to nomination papers.

A.D. 1875.

FORM NO. 3.
BALLOT PAPER.
FORM of Front of Ballot Paper.
For Auditors.

Counterfoil. No. <i>Note.</i> —The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	1	CADE. (John Cade, of 22, Welclose Place, Accountant.)	5
	2	JOHNSON. (Charles Johnson, of 7, Albion Street, Gentleman.)	
	3	THOMPSON. (William Thompson, of 14, Queen Street, Silversmith.)	10

For Revising Assessor.

1	BACON. (Charles Bacon, of 29, New Street, Solicitor.)		
2	BYRON. (James Byron, of 45, George Street, Commission Agent.)		15
3	WILSON. (George Wilson, of 22, Hanover Square, Gentleman.)		

FORM of Back of Ballot Paper.

No. Election of Auditors [*or* Assessors] for the Borough of _____ ,
to be held on the _____ day of _____ 18 _____ 20
The Number on the back of the Ballot Paper is to correspond with that on
the Counterfoil.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.	
5 & 6 Will. 4. c. 76.	An Act to provide for the regulation of Municipal Corporations in England and Wales.	So much of section 37 as restricts the voting of any burgess to only one person, and so much of section 47 as relates to the fixing of the day of election by the alderman.	25 30
22 Vict. c. 35.-	The Municipal Corporation Act, 1859.	Sections 5, 6, 7, and Schedules.	
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a qualification for the Municipal Franchise, and to make provision for other purposes.	Sections 6 and 7.	35
35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	Directions in the Schedule to the Act as to the form of nomination papers at Municipal Elections.	40

A

BILL

To amend the Law regulating Municipal
Elections.

(Prepared and brought in by
Mr. Dodds, Mr. Courtney, Mr. Callender, and
Mr. Rathbone.)

*Ordered, by The House of Commons, to be Printed,
15 February 1875.*

[Bill 63.]

Under 2 oz.

Municipal Elections Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Provisions applicable to municipal elections.
2. Candidates out of United Kingdom ineligible.
3. Mayor to appoint officers for taking the poll.
4. Amendment of law.
5. Conclusiveness of burgess roll.
6. One poll to be taken for auditors and assessors.
7. Withdrawal of candidates.
8. Notices by mayor or town clerk may comprise the several wards of borough.
9. Time of holding election on extraordinary vacancies.
10. Computation of time under the Act.
11. Repeal of Acts.
12. Act to be construed with Municipal Corporation Acts.
13. CLAUSE A.—Extent of Act.
14. Short title.
15. Duration of Act.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law regulating Municipal Elections.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

- 5 **1.** The following provisions shall be enacted and apply to nominations at all municipal elections of councillors, auditors, and assessors after the passing of this Act:
- 10 **1.** Nine days at least before any such election the town clerk shall prepare, sign, and publish a notice in the form No. 1. set forth in the First Schedule to this Act, or to the like effect, by causing the same to be placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which any such election is to be held.
- 15 **2.** At any such election every candidate shall be nominated in writing; the writing shall be subscribed by two registered burgesses of such borough or ward as proposer and seconder, and by eight other registered burgesses of such borough or ward as assenting to the nomination. Each candidate shall be nominated by a separate nomination paper, but the same
- 20 electors, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more. Every person nominated shall be registered on the burgess roll of the borough, or a person whose name is inserted in the separate list at the end of the burgess roll, as provided by
- 25 section three of the Act thirty-two and thirty-three Victoria, chapter fifty-five, and shall be otherwise qualified to be elected. The nomination paper shall state the surname and other names of the person nominated, with his place of abode and description, and shall be in the form No. 2. set forth in
- 30 the First Schedule to this Act, or to the like effect. And the town clerk shall provide nomination papers, and shall supply

Provisions
applicable to
municipal
elections.

See 22 Vict.
c. 35. s. 5.

See 22 Vict.
c. 35. s. 6.,
and Ballot
Act, s. 1.

Ballot Act,
1st sch., 25.

32 & 33 Vict.
c. 55. s. 6.

22 Vict.
c. 35. s. 6.

Sect. 7.

[Bill 119.]

A

A.D. 1875.

Ballot Act,
s. 1.
22 Vict.
c. 35. s. 6.

Ballot Act,
1st sch., 13.

any person entitled to vote with as many nomination papers as may be required, and shall, at the request of any such persons, fill up a nomination paper in manner prescribed by this Act.

3. Every nomination paper subscribed as aforesaid shall be 5
delivered by the candidate himself, or his proposer or
seconder, to the town clerk, five days at least before the
day of election, and before five o'clock in the afternoon of
the last day on which any such nomination paper may by
law be delivered; the town clerk shall forthwith send notice 10
of such nomination to each person nominated. The mayor
shall attend at the Town Hall on the day next after the
last day for the delivery of nominations to the town clerk
between the hours of two and four in the afternoon, and shall
decide on the validity of every objection made to a nomination 15
paper, such objection to be made in writing. The candidate
nominated by each nomination paper, and one other person,
appointed by or on behalf of the candidate as herein-
after mentioned, and no person other than aforesaid, shall,
except for the purpose of assisting the mayor, be entitled to 20
attend such proceedings, and each candidate and the person
appointed by him shall, during the time appointed by the
mayor for the purposes of this section, have respectively
power to object to the nomination paper of every person
nominated at the same election. The decision of the mayor, 25
which shall be given in writing, if disallowing any objection
to a nomination paper, and shall be final, but if allowing the
same shall be subject to reversal on petition questioning
the election or return. The appointment by or on behalf of
candidates of persons as aforesaid shall be made in writing 30
under the hand of the candidate, or, in case he is absent
from the United Kingdom, then under the hand of his
proposer or seconder, and shall be delivered to the town
clerk before five o'clock in the afternoon of the last day
on which nomination papers may by law be delivered. 35
- The town clerk shall at least five days before the day of
election cause the surnames and other names of all persons
duly nominated, with their respective places of abode and
descriptions, and the names of the persons subscribing their
respective nomination papers as proposers, seconders, and 40
persons assenting, to be printed and placed on the door of the
Town Hall, and in some conspicuous parts of the borough
or ward for which such election is to be held.

4. Section eight of the Act of twenty-second Victoria, chapter thirty-five, so far as the same is now in force, shall apply to nominations of councillors, auditors, and assessors, duly made and allowed under the Act. A.D. 1875.

5 Section three of the Ballot Act, 1872, shall apply to nomination papers under this Act, and so applied, the word "returning officer" shall be taken to include town clerk in reference to the delivery of such nomination papers.

10 2. The nomination of a person who is absent from the United Kingdom shall be void, unless his written consent given within one month of the last day of his nomination before two witnesses be produced at the time of his nomination. Candidates out of United Kingdom ineligible.

15 3. At any municipal election of councillors, auditors, or assessors, the power and duty of the mayor under section twenty of the Ballot Act of 1872, to provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, shall (save as to the appointment of the alderman as returning officer for any ward) extend to the appointment of officers for taking the poll and counting the votes recorded at such election. Mayor to appoint officers for taking the poll.

25 4. The provisions contained in rules 16 and 19 of the first schedule to the Ballot Act, 1872, shall not apply to any such election, but the mayor shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers, as in the judgment of the mayor shall be necessary for effectually taking the poll at such election in other respects in the manner provided by the Ballot Act, 1872. The mayor shall at least four days before the day of election give such public notice as may be required by law of the situation, division, and allotment of polling places for taking the poll at any municipal election, and of the description of persons entitled to vote thereat and at the several polling stations. Amendment of law.

See 5 & 6 Wm. 4. c. 76. ss. 33, 43, 52. Ballot Act, sch. 1., s. 19.

35 5. At any municipal election a person shall not be entitled to nominate any candidate, or to sign or subscribe any nomination paper, or to vote unless his name is on the burgess roll for the time being in force in the borough or ward for which such election shall be held; and every person whose name is on such burgess roll shall be entitled to nominate candidates, or to sign or subscribe any nomination paper, and to demand and receive a ballot paper, and to vote; provided that nothing in this section shall entitle

A.D. 1875. any person to do any of the acts aforesaid who is prohibited from
 Ballot Act, doing such acts or any of them by law, or relieve such person from
 s. 7. any penalties to which he may be liable for doing any such act.

One poll to
 be taken for
 auditors and
 assessors.

6. At the poll at any election of auditors and assessors one ballot
 paper only shall be used by any person voting. In such ballot 5
 paper the names of the candidates for the respective offices shall
 be separate, and distinguished so as to show the office for which
 they are respectively candidates, and the ballot paper shall be in
 the Form No. 3. set forth in the First Schedule to this Act or to
 the like effect, and the provisions of the Ballot Act, 1872, shall at 10
 any such election be altered and varied accordingly; provided
 always, that in counting the votes every such ballot paper shall
 be deemed to be a separate ballot paper in respect of each office,
 and any objections thereto shall be considered and dealt with
 accordingly. 15

Withdrawal
 of candidates.

7. Where more candidates are nominated at any municipal
 election than there are vacancies to be filled at such election, any of
 such candidates may withdraw from his candidature by notice
 signed by him and delivered to the town clerk not later than two
 o'clock in the afternoon of the third day after the nomination of 20
 such persons; provided that such notices shall take effect in the
 order in which they are delivered to the town clerk, and that no
 such notice shall be of any effect which is given after the number
 of candidates standing nominated has been reduced to the number
 of the vacancies to be filled. 25

Notices by
 mayor or
 town clerk
 may comprise
 the several
 wards of
 borough.

8. Any notice required by law to be given or published by the
 mayor or other returning officer or town clerk in connexion with
 any municipal election may, as to auditors and assessors, be comprised
 in one notice, and with respect to the election of councillors in any
 borough divided into wards, may comprise the matter necessary 30
 to such notice for the several wards in the borough, and it shall not
 be necessary to issue a separate notice for each ward.

Time of
 holding elec-
 tion on ex-
 traordinary
 vacancies.
 5 & 6 W. 4.
 c. 76. ss. 47,
 55;
 16 & 17 Vict.
 c. 79. ss. 11,
 403.

9. Section eleven of the Act sixteenth and seventeenth Victoria,
 chapter seventy-nine, shall be read as if fourteen days were therein
 inserted instead of ten days, and the day for holding the election 35
 in the case of any extraordinary vacancy in the office of councillor,
 auditor, or assessor in any borough (whether such borough shall be
 divided into wards or not) shall be fixed by the mayor.

Computation
 of time under
 the Act.
 22 Vict. c.35.

10. In reckoning time for the purpose of this Act, Sunday,
 Christmas Day, Good Friday, and any day set apart for a public 40
 holiday, fast, or public thanksgiving, shall be excluded.

11. The several Acts of Parliament mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of such schedule, but such repeal shall not affect the validity or invalidity of anything already done or suffered, or any
 5 remedy or proceeding in respect thereof, or the proof of any past act or thing.

A.D. 1875.
 Repeal of
 Acts.

12. This Act shall, as far as consistent with the tenor thereof, be construed as one with the Act fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same, and the
 10 Acts for the time being in force relating to elections of councillors, auditors, and assessors in boroughs.

Act to be
 construed
 with Muni-
 cipal Corpo-
 ration Acts.

13. This Act shall not apply to Scotland.

CLAUSE A.
 Extent of
 Act.

14. This Act may for all purposes be cited as "The Municipal Elections Act, 1875."

Short title.

15. This Act shall continue in force for so long only as the
 15 Ballot Act, 1872, continues in force.

Duration of
 Act.

A.D. 1875.

FIRST SCHEDULE.

FORM No. 1.

NOTICE.

Borough of . . . Election of [Councillors, or Auditors, or
Assessors, as the case may be] for the [. . . Ward or several 5
Wards of the] Borough.

Take Notice.

1. That an election of [*here insert the number of Councillors, Auditors, or
Assessors, as the case may be*] for the [. . . Ward or several Wards
of the] said Borough will be held on the . . . day of . . . 10

2. Candidates must be nominated by writing, subscribed by two registered
burgesses as proposer or seconder, and by eight other registered burgesses
as assenting to the nomination.

3. Candidates must be duly qualified for the office to which they are nomi-
nated, and the nomination paper must state the surname and other names of 15
the person nominated, with his place of abode and description, and may be
in the following form, or to the like effect :

(Set out Form No. 2.)

4. Each candidate must be nominated by a separate nomination paper, but
the same electors or any of them may subscribe as many nomination papers as 20
there are vacancies to be filled for the Borough [*or Ward*], but no more.

5. Every person who forges a nomination paper, or delivers any nomination
paper knowing the same to be forged, will be guilty of misdemeanor, and be
liable to imprisonment for any term not exceeding six months, with or without
hard labour. 25

6. Nomination papers must be delivered by the candidate himself, or his
proposer or seconder, to the town clerk at his office before five o'clock in the
afternoon of . . . day the . . . day of . . . next.

7. The mayor will attend at the Town Hall on . . . day the
day of . . . , from two to four o'clock in the afternoon, to hear 30
and decide objections to nomination papers.

A.D. 1875.

FORM No. 3.

BALLOT PAPER.

FORM of Front of Ballot Paper.
For Auditors.

Counterfoil. No. <i>Note.</i> —The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.		CADE. (John Cade, of 22, Welclose Place, Accountant.)	5
	1		
	2	JOHNSON. (Charles Johnson, of 7, Albion Street, Gentleman.)	
	3	THOMPSON. (William Thompson, of 14, Queen Street, Silversmith.)	10

For Revising Assessor.

	BACON. (Charles Bacon, of 29, New Street, Solicitor.)		
1			
	BYRON. (James Byron, of 45, George Street, Commission Agent.)		15
2			
	WILSON. (George Wilson, of 22, Hanover Square, Gentleman.)		
3			

FORM of Back of Ballot Paper.

No. Election of Auditors [*or* Assessors] for the Borough of ,
to be held on the day of 18 . 20
The Number on the back of the Ballot Paper is to correspond with that on the Counterfoil.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.	
5 & 6 Will. 4. c. 76.	An Act to provide for the regulation of Municipal Corporations in England and Wales.	So much of section 47 as relates to the fixing of the day of election by the alderman.	25
22 Vict. c. 35.-	The Municipal Corporation Act, 1859.	Sections 5, 6, 7, and Schedules.	30
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a qualification for the Municipal Franchise, and to make provision for other purposes.	Sections 6 and 7.	35
35 & 36 Vict. c. 33.	The Ballot Act, 1872-	Directions in the Schedule to the Act as to the form of nomination papers at Municipal Elections.	

Municipal Elections.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law regulating Municipal
Elections.

(Prepared and brought in by
Mr. Dodds, Mr. Gourley, Mr. Callender, and
Mr. Rathbone.)

Ordered, by The House of Commons, to be Printed,
14 April 1875.

[Bill 119.]

Under 2 oz.

A
B I L L

TO

Amend the Law relating to the Election of Aldermen in Municipal Boroughs by the application thereto of the Cumulative Vote. A.D. 1875.

5 **W**HEREAS it is expedient to amend the fifth and sixth William Fourth, chapter seventy-six, relating to the mode of electing aldermen in municipal boroughs regulated by the said Act, so as to give a more perfect representation of town councils on the aldermanic bench:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 10 **1.** That at any election for any aldermen any person entitled to vote at such election shall be entitled to a number of votes equal to the number of aldermen to be elected, and may give all such votes to one person, or distribute them as he thinks fit: Provided always, that the provisions of this Act shall not apply to the City of
15 London.

Municipal Elections (Cumulative Vote).

A

B I L L

To amend the Law relating to the
Election of Aldermen in Municipal
Boroughs by the application thereto
of the Cumulative Vote.

*(Prepared and brought in by
Mr. Heygate, Mr. Fawcett, Mr. Morley, and
Mr. Wheelhouse.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 37.]

Under 1 oz.

Municipal Franchise (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation.
 2. New qualification of burgesses.
 3. Taxes to be paid.
 4. Aliens not to be burgesses.
 5. Nor persons receiving parochial relief.
 6. Saving of existing burgess rolls.
 7. Lists to be made out and revised with regard to this Act.
 8. Occupier claiming to be rated to be placed on burgess roll.
 9. Occupier to be rated.
 10. Poor rates deemed to be payable by actual occupier when rates made. Immediate lessor still liable.
 11. Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent.
 12. Constructive payment of the rate.
 13. Rate when unpaid to be demanded from occupiers.
 14. Provision as to premises coming by descent.
 15. Provision as to joint occupiers.
 16. Act not generally to alter existing law.
 17. Short title of Act.
-

A

B I L L

TO

Amend the law regulating the Municipal Franchise in Ireland, A.D. 1875.
and to make better provision for the rating of Occupiers in
Towns.

WHEREAS by an Act of Parliament passed in the fourth year Preamble.
of the reign of Her Majesty the now Queen, intituled "An
Act for the Regulation of Municipal Corporations in Ireland,"
it was, among other things, enacted that the persons to be burgesses
5 in municipal corporations in Ireland should be qualified as in said
Act mentioned; and it is expedient to substitute for the qualifica-
tion prescribed by the said Act a qualification which will admit
to the rights and privileges of burgesses a larger number of the
inhabitants of the said cities, towns, and boroughs :
10 And whereas by another Act passed in the thirteenth year of
Her Majesty's reign, intituled "An Act to amend an Act for the
" regulation of Municipal Corporations in Ireland, so far as relates
" to the borough of Dublin," the qualification of burgesses in the
city of Dublin was altered from that prescribed by the said first-
15 recited Act, and the qualification of burgesses in said city of Dublin
was assimilated to that then required for burgesses in municipal
corporations in England and Wales :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
20 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The words "town corporate" in this Act shall mean any city, Interpretation.
town, or borough in which a municipal corporation now exists, or
shall hereafter exist, pursuant to the provisions of the said first-
25 recited Act.

2. *From and after the passing of this Act*, in lieu and stead of the New quali-
qualification required by the said first-recited Act, the following fication of
[Bill 34.] A burgesses,

A.D. 1875.

and none other shall be the qualification of burgesses in every town corporate in Ireland, except the city of Dublin in which the qualification shall remain as now fixed by law; that is to say, at any revision of the burgess roll which shall take place after the passing of this Act, subject as herein-after mentioned :

Every person of full age who on the *twentieth* day of the preceding *July* shall have occupied, during the whole of the preceding twelve calendar months, any house, warehouse, counting-house, shop, or other building within such town corporate, which separately or together with any land or premises occupied by the same person as owner or tenant shall be rated in the last rate made under the laws for the relief of the poor at an annual value of more than *four pounds*, and who also during the time of such occupation shall have been an inhabitant householder within the said town corporate, or within seven statute miles of same, shall be entitled to be enrolled in accordance with the provisions of the statutes in that case made and provided, and on being so enrolled shall be a burgess of such town corporate, and member of the body corporate of the mayor, aldermen, and burgesses of such town corporate, as fully and effectually as if such premises were of the value required by the thirtieth section of the said first-recited Act : Provided always, that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the said town corporate to all rates made for the relief of the poor of the electoral division or union wherein such premises are situated during the time of his occupation as aforesaid : Provided also, that in every case provided in this Act the distance of seven statute miles shall be computed by the nearest public road or way by land or water.

Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish or electoral division or union, but may be different premises in the same parish or in different parishes or different electoral divisions or unions.

Taxes to be paid.

13 & 14 Vict.
c. 69. s. 14.

3. No person shall be entitled to be so enrolled as a burgess unless on or before the said twentieth day of July he shall have paid all the poor rates, if any, which shall have become payable by him in respect of such premises previously to the first day of the preceding January.

Aliens not to be burgesses.

4. No person being an alien shall be entitled to be enrolled as a burgess, or to vote as a burgess in any town corporate.

5. No person shall be so enrolled or vote in any year who, within twelve calendar months next before the said last day of August, shall have received relief under the Acts for the more effectual relief of the destitute poor in Ireland, or any pension or charitable allowance from any fund entrusted to the charitable trustees of such town corporate.

A.D. 1875.
Nor persons receiving parochial relief.

Provided always, that no medical or surgical assistance given by the charitable trustees of the said town corporate shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess, nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

6. Nothing in this Act contained shall affect or interfere with any existing burgess roll, but same shall continue in force and effect in all respects as it would have done if this Act had not been passed.

Saving of existing burgess rolls.

7. Except as relates to the qualification of a burgess this Act shall not in any manner affect the making out of any lists now required by law to be made out by any persons preparatory to the revision of the burgess roll of any town corporate, but all the provisions of any statute relating to such lists and the making out of same shall continue in full force and effect as if this Act had not been passed, except that all persons making out such lists, or doing any act in relation to the same, shall have, and they are hereby required to have, regard to the new qualifications enacted by this Act, as if such qualifications had been prescribed in the Acts under which such lists are made out.

Lists to be made out and revised with regard to this Act.

8. Any person occupying any premises in any town corporate the occupation of which would entitle him to be placed upon the burgess roll if he were rated in respect of same, shall be entitled to be so placed on the burgess roll on proving that he has claimed to be rated in manner provided by the said first-recited Act of the fourth year of Her Majesty's reign, and complied with the requirements of the said Act and of all other Acts in that case made and provided, and all the provisions now in force relating to such claim and the consequences thereof shall continue in full force and effect, and be applicable to the franchise and qualification enacted by this Act.

Occupier claiming to be rated to be placed on burgess roll.

9. In making out any poor rate after the passing of this Act, in respect of any premises situate wholly or in part within the parliamentary limits of any town corporate, or of any city, town, or borough returning a member or members to Parliament, the guardians of the poor, or other person or persons making out the

Occupier to be rated.
32 & 33 Vict. c. 41. s. 19.

A.D. 1875. said rate, shall enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, whether the rate is collected from or payable by the owner or occupier, and such occupier shall be deemed to be duly rated for purpose of the qualifications created by this Act; and if any clerk of the union, or 5 other person actually charged with the making out of the rate, negligently or wilfully or without reasonable cause omits the name of any occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such clerk or other person shall, for every such omission or misstatement, be 10 liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the judge of any civil bill court having jurisdiction in such city, town, or borough, at suit of the occupier of the premises in relation to which such omission or misstatement shall have taken place: Provided that any occupier whose name shall be 15 so omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise, whether municipal or parliamentary, depending upon rating in the same manner as if his name had not been so omitted.

Poor rates deemed to be payable by actual occupier when rates made.

Immediate lessor still liable.

10. For the purposes of this Act all poor rates assessed upon 20 anyone in respect of any premises situated wholly or in part within the limits of any city, town, or borough returning a Member or Members to Parliament shall be deemed to be payable by the person who was or shall be the actual occupier of the premises at the time when such rates became or shall become payable; but when- 25 ever the immediate lessor of any premises is now by law liable to be rated and to pay the poor rate in respect of such premises, such liability shall continue in full force and effect, anything herein contained to the contrary notwithstanding, and all such rates may be recovered from and enforced against him in the same manner 30 as if this Act had not been passed.

Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent. 32 & 33 Vict. c. 41. s. 8.

11. When any owner who is liable to pay the poor rate in respect of any premises situate within any town corporate, or any city, town, or borough, returning a Member or Members to Parliament omits or neglects to pay before the *first day of June* any rate which 35 became due before the first day of the preceding January, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

* Constructive payment of the rate. 32 & 33 Vict. c. 41. s. 7.

12. Every payment of a rate so made by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein 40 provided, and every payment of a rate by the owner, whether he is

himself rated or is liable to pay the same or has agreed with the occupier to pay it, shall be deemed a payment of the rate by the occupier for the purpose of any qualification which as regards rating depends upon the payment of the poor rate. A.D. 1875.

- 5 **13.** Where any poor rate the payment of which is required as a qualification due previously to the first day of January in respect of any premises situate in any town corporate or in any city, town, or borough returning a Member or Members to Parliament shall be unpaid on the first day of June following, the collector of poor rate or other person
 10 whose duty it is to collect such rate shall on or before the twentieth day of June, unless such rate has been previously paid, give or cause to be given to the occupier a demand note in the form in the schedule to this Act annexed. The demand note shall be deemed to be duly given if delivered to the occupier or lessee or with
 15 some person at the premises in respect of which the rate is payable. Any collector or other person who shall negligently or wilfully omit to give such demand note shall be deemed guilty of a breach of duty in the execution of this Act.

Rate when unpaid to be demanded from occupiers.
 30 & 31 Vict. c. 102. s. 28.

- 20 **14.** And be it enacted, that where any house, warehouse, counting-house, shop, or other building in any town corporate shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy and rating in respect of the occupancy thereof by the person from or by whom such house, warehouse,
 25 counting-house, shop, or other building shall have so come to him as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise
 30 qualified as herein provided.

Provision as to premises coming by descent.

- 15.** Whereas it is provided by the said first-recited Act that where any premises in any borough should be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers should, subject to the conditions of the said
 35 Act, be entitled to be enrolled as a burgess for such borough in respect of the premises so jointly occupied, provided that the value of such premises, to be ascertained and determined as in said Act provided, should be of an amount which when divided by the number of such occupiers shall give for each occupier a sum not
 40 less than the sum which would entitle each person to be enrolled or to vote according to the provisions of such Act, if he occupied separately, but not otherwise: Be it enacted, that such provision

Provision as to joint occupiers.

A.D. 1875. shall apply to the qualification prescribed by this Act as if same had been mentioned in the thirtieth section of the said first-recited Act.

Act not
generally to
alter exist-
ing law.

16. Nothing in this Act contained shall alter or in any manner affect the provisions of any statute which at the time of its passing 5 may be in force in any borough in anywise relating to the municipal corporation of such borough, or the enrolment of burgesses, or the making out of any list, or any other matter or thing whatsoever, except so far as such provisions are hereby expressly repealed or are inconsistent with the provisions enacted by this Act. 10

Short title
of Act.

17. This Act may be cited on all occasions and for all intents and purposes as "The Municipal Franchise (Ireland) Act, 1875."

SCHEDULE.

FORM OF DEMAND OF RATES.

SIR,

15

I HEREBY demand from you payment of the sum of £ being the amount of poor rate due and payable in respect of the premises you occupy since the [*day on which rate became due*].

If you do not pay this amount to me or my office before the twentieth day of July you will be deprived of your right to vote or be registered as a *voter for 20 [*name the city, town, or borough*], and also* be deprived of your right to be enrolled as a burgess of same.

If your landlord is bound to pay this rate you are at liberty to pay it to me and deduct the amount from your next payment of rent. My receipt must be accepted by him as a discharge of so much of your rent. 25

(Signed) *T.B.*,

To *A.B.*

Collector of Poor Rate.

Occupier of the premises [*describe them*].

* Either or both of these to be inserted according to the fact.

Municipal Franchise (Ireland).

A

B I L L

To amend the law regulating the
Municipal Franchise in Ireland, and
to make better provision for the rating
of Occupiers in Towns.

(Prepared and brought in by
Mr. Joseph McKenna, Mr. Butt, and Mr. Bryman.)

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 34.]

Under 2 oz.

Municipal Franchise (Ireland) Bill (No. 2).

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation.
 2. Repeal of existing franchise in Dublin.
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 14. Act not generally to alter existing law.
 15. Short title of Act.
-

A

B I L L

TO

Assimilate the law regulating the Municipal Franchise in Ireland to that regulating it in England. A.D. 1875.

WHEREAS by an Act of Parliament passed in the sixth year of His late Majesty King William the Fourth, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” it was, among other things, enacted that, subject to the provisions therein contained, the qualification of burgesses in municipal corporations in England and Wales in any year was declared and defined to be the occupation of premises rated to the relief of the poor during the said year and the whole of the two preceding years :

And whereas by another Act of Parliament passed in the fourth year of the reign of Her Majesty the now Queen, intituled “An Act for the Regulation of Municipal Corporations in Ireland,” it was, among other things, enacted that the persons to be burgesses in municipal corporations in Ireland should be qualified as in said Act mentioned :

And whereas the qualification prescribed by said last-mentioned Act is other than and different from that then by law prescribed in municipal corporations in England and Wales :

And whereas by another Act passed in the thirteenth year of Her Majesty’s reign, intituled “An Act to amend an Act for the regulation of Municipal Corporations in Ireland, so far as relates to the borough of Dublin,” the qualification of burgesses in the city of Dublin was altered from that prescribed by the said second-recited Act, and the qualification of burgesses in said city of Dublin was assimilated to that then required for burgesses in municipal corporations in England and Wales :

And whereas by another Act passed in the thirty-third year of Her Majesty’s reign, intituled “An Act to shorten the term of residence required as a qualification for the municipal franchise,
[Bill 140.]

A 2

A.D. 1875. "and to make provision for other purposes," it was, among other things, enacted that the period of residence and rating required for such qualification in municipal corporations in England and Wales should be reduced from three years to one; but the provisions of the said last-mentioned Act have not yet been extended to 5 the city of Dublin, and in all the other municipal corporations of Ireland the municipal franchise still continues as fixed by the said second-recited Act of the fourth year of Her Majesty's reign:

And whereas it is expedient and just to establish both in the city of Dublin and in all other Irish municipalities the municipal 10 franchise as same as is now established in England under the said fourth-recited Act of the thirty-third year of Her Majesty's reign, so as to establish in respect of the municipal franchise equality of law between England and Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, 15 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpreta-
tion.

1. The word "borough" in this Act shall mean any city, town, or borough, including the city of Dublin, in which a municipal 20 corporation now exists, or shall hereafter exist, pursuant to the provisions of the said first-recited Act; and "mayor" as to the city of Dublin shall mean "lord mayor."

Repeal of
existing
franchise in
Dublin.

2. The provisions of the said third-recited Act of the thirteenth year of Her Majesty's reign, so far as they require as a qualification 25 for a burgess of the city of Dublin that the person to be enrolled as a burgess should have occupied or been rated for the premises in respect of which he is qualified during the two whole years preceding that in which he is enrolled as a burgess, shall be and the same are hereby repealed; and the qualification of a burgess in 30 the city of Dublin shall be that prescribed by this Act, but in all other respects, except as relate to such qualification, said Act shall continue in full force and effect.

Repeal of
former quali-
fications of
"burgesses."

3. From and after the passing of this Act so much of the said second-recited Act as requires that the premises in respect of the 35 occupation of which any person shall be qualified as a burgess in any borough shall be of the yearly value of not less than ten pounds, to be ascertained and determined in manner in said Act mentioned, shall be and the same is hereby repealed.

New quali-
fication.

4. In lieu and stead of the qualification required by the said Acts 40 the following shall be the qualification of burgesses in the city of Dublin and in every other borough in Ireland; that is to say, at

any revision of the burgess roll of any borough which shall take place after the passing of this Act, subject as herein-after mentioned: A.D. 1875.

Every male person of full age who on the last day of the preceding August shall have occupied any house, warehouse, counting-house, shop, or other building within such borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven statute miles of the said borough, shall be entitled to be enrolled in accordance with the provisions of the statutes in that case made and provided, and on being so enrolled shall be a burgess of such borough, and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided always, that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the said borough to all rates made for the relief of the poor of the electoral division or union wherein such premises are situated during the time of his occupation as aforesaid: Provided also, that in every case provided in this Act the distance of seven statute miles shall be computed by the nearest public road or way by land or water.

Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish or electoral division or union, but may be different premises in the same parish or in different parishes or different electoral divisions or unions.

5. No person shall be entitled to be so enrolled as a burgess unless on or before the said last day of August he shall have paid all rates and taxes, the payment of which would be necessary by law to entitle him to be placed on the burgess roll if this Act had not been passed, provided only that it shall not be necessary for him to have paid any such taxes as shall have become payable within six calendar months before the said last day of August. Taxes to be paid.

6. No person being an alien shall be entitled to be enrolled as a burgess, or to vote as a burgess in any borough. Aliens not to be burgesses.

7. No person shall be so enrolled or vote in any year who, within twelve calendar months next before the said last day of August, shall have received relief under the Acts for the more effectual relief of the destitute poor in Ireland, or any pension or charitable allowance from any fund entrusted to the charitable trustees of such borough. Nor persons receiving parochial relief.

A.D. 1875.

—

Provided always, that no medical or surgical assistance given by the charitable trustees of the said borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess, nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught 5 within any public or endowed school.

Saving of
existing bur-
gess rolls.

8. Nothing in this Act contained shall affect or interfere with any existing burgess roll, but same shall continue in force and effect in all respects as it would have done if this Act had not been passed.

Lists to be
made out and
revised with
regard to
this Act.

9. Except as relates to the qualification of a burgess this Act 10 shall not in any manner affect the making out of any lists now required by law to be made out by any persons preparatory to the revision of the burgess roll of any borough, but all the provisions of any statute relating to such lists and the making out of same shall continue in full force and effect as if this Act had not been 15 passed, except that all persons making out such lists, or doing any act in relation to the same, shall have, and they are hereby required to have, regard to the new qualifications enacted by this Act, as if such qualifications had been prescribed in the Acts under which such lists are made out. 20

Occupier
claiming to
be rated to
be placed on
burgess roll.

10. Any person occupying any premises in any borough the occupation of which would entitle him to be placed upon the burgess roll if he were rated in respect of same, shall be entitled to be so placed on the burgess roll on proving that he has claimed to be rated in manner provided by the said second-recited Act of the 25 fourth year of Her Majesty's reign, and complied with the requirements of the said Act and of all other Acts in that case made and provided, and all the provisions now in force relating to such claim and the consequences thereof shall continue in full force and effect, and be applicable to the franchise and qualification enacted by this Act. 30

Misnomer
or misde-
scription not
to affect
qualification.

11. And in order to provide against any person being prevented from being enrolled as a burgess by reason of any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as herein-before mentioned, or by reason of any inaccurate description of the premises so occupied, be it therefore 35 declared and enacted, that where any person shall have occupied such premises as in this Act are mentioned for the time herein-before mentioned next previous to the last day of August in any year, being the person liable to be rated for such premises, shall have been bonâ fide called upon in respect to such premises to pay, 40 and shall have bonâ fide paid on or before the last day of August in such year, all rates for the relief of the poor made in respect of

A.D. 1875.

such premises which he would be required to pay in order to be enrolled as a burgess for the borough if he had been named in such rate as the occupier of such premises, such person shall be considered as having been rated to the relief of the poor and paid all
 5 such rates in respect of such premises within the meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a burgess of the said borough in respect of such premises in any year, any misnomer or insufficient description in any rate of the person so occupying, or of the premises occupied,
 10 notwithstanding.

12. And be it enacted, that where any house, warehouse, counting-house, shop, or other building in the said borough shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled
 15 to reckon the occupancy and rating in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, shop, or other building shall have so come to him as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same,
 20 and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

Provision as to premises coming by descent.

13. Whereas it is provided by the said second-recited Act that where any premises in any borough should be jointly
 25 occupied by more persons than one as owners or tenants, each of such joint occupiers should, subject to the conditions of the said Act, be entitled to be enrolled as a burgess for such borough in respect of the premises so jointly occupied, provided that the value of such premises, to be ascertained and determined as in said Act
 30 provided, should be of an amount which when divided by the number of such occupiers shall give for each occupier a sum not less than the sum which would entitle each person to be enrolled or to vote according to the provisions of such Act, if he occupied separately, but not otherwise; be it enacted, that such provision
 35 shall be and the same is hereby repealed, and for the purposes of this Act every person occupying any premises in any borough jointly with any other person shall be deemed to occupy such premises within the meaning of this Act.

Provision as to joint occupiers.

14. Nothing in this Act contained shall alter or in any manner
 40 affect the provisions of any statute which at the time of its passing may be in force in any borough in anywise relating to the municipal corporation of such borough, or the enrolment of burgesses, or the

Act not generally to alter existing law.

A.D. 1875. making out of any list, or any other matter or thing whatsoever, except so far as such provisions are hereby expressly repealed or are inconsistent with the provisions enacted by this Act.

Short title
of Act.

15. This Act may be cited on all occasions and for all intents and purposes as “The Municipal Franchise (*Ireland*) Act, 1875.” 5

Municipal Franchise (Ireland) (No. 2).

A

B I L L

To assimilate the law regulating the
Municipal Franchise in Ireland to
that regulating it in England.

(Prepared and brought in by

Mr. Butt, Mr. Joseph McKenna, and Mr. Bryan.)

Ordered, by The House of Commons, to be Printed,
23 April 1875.

[Bill 140.]

Under 1 oz.

Municipality of London Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

Clause.

1. Short title.
 2. Interpretation.
 3. Effect of schedules.
 4. Commencement of Act.
-

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County and Municipality of London.

5. Metropolis created a county, to be governed by one municipal body.
 6. Incorporation of Municipality of London.
 7. Division of metropolis into municipal districts with wards.
 8. Merger of Corporation of city of London in Municipality of London.
 9. Discontinuance of Common Council of city of London.
 10. Merger of Corporation of city of Westminster.
 11. Discontinuance of Metropolitan Board of Works.
 12. Cesser of vestries, district boards, auditors, commissioners, &c.
 13. Lieutenancy of city extended to metropolis.
 14. General saving for charters, rights, &c. of cities of London and Westminster in favour of Municipality of London.
 15. Application of Municipal Corporations Acts.
-

PART III.

Municipal Council of London.

16. Members of Municipality of London.
17. Constitution of Municipal Council.

[Bill 61.]

Clause.

18. Municipal councillors of London.
 19. First election of councillors.
 20. Election of councillors.
 21. Cumulative vote.
 22. Application to elections of Metropolitan Management Acts.
 23. Aldermen of London.
 24. First aldermen of London.
 25. Election of aldermen.
 26. Aldermen of city to be gradually reduced to eight.
 27. Election of Lord Mayor, tenure of office, &c.
 28. Lord Mayor to retain present dignity.
 29. Lord Mayor to appoint deputy.
 30. Occasional vacancies in mayoralty.
 31. Lord Mayor, aldermen, and councillors re-eligible.
 32. Occasional vacancies among aldermen and councillors.
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33. Functions, powers, &c. of Municipality of London.
34. Application to Municipality of London of savings in any Act.
35. Transfer of property to Municipality of London.
36. Application to Municipality of London of savings for corporations of cities of London and Westminster.
37. Power to appoint officers, &c. transferred from city of London to Municipal Council of London.
38. Quorum of Council.
39. Municipal Council to have custody of charters, &c.
40. Municipal Council to have cognizance of elections.
41. Power of Municipal Council to appoint committees.
42. Power to appoint chairman of committees.
43. Proceedings of Municipal Council to be regulated by charters, &c.
44. Errors in elections not to vitiate acts of Council.
45. Saving for Lord Mayor's Court.
46. Saving rights of former liverymen, &c. of city of London.

Clause.

- 47. Continuance of existing commissioners till election of councillors.
 - 48. Extended powers of compulsory purchase of land.
 - 49. Saving for existing contracts, &c.
 - 50. Arrears of rate made by Metropolitan Board of Works.
 - 51. Precepts for sums assessed in city.
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- 52. Transfer of officers of city of London.
 - 53. Transfer of officers of Metropolitan Board of Works.
 - 54. Transfer of officers of city of Westminster.
 - 55. Duties of officers transferred.
 - 56. Appointment of sheriffs of London.
 - 57. Alderman may be sheriff.
 - 58. Functions of sheriffs not affected.
 - 59. Appointment of recorder.
 - 60. Appointment of common serjeant.
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 - 62. Fines for non-acceptance of office.
 - 63. Newly appointed officers need not be freemen.
 - 64. Municipal Council to have control over officers.
 - 65. Municipal Council to fix salaries.
 - 66. Officers to account to Municipal Council.
 - 67. Compensation to officers.
-

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- 68. Commission of peace for county of London.
- 69. Aldermen of London need not be qualified by estate.
- 70. Justices of county of London to have powers, &c. of justices of county of Middlesex, &c.
- 71. County of London to have separate prison jurisdiction.
- 72. Prison authority of county of London.

[61.]

Clause.

73. Certificate of Recorder of London sufficient for altering prisons.
 74. Application of Lunacy Acts to county of London.
 75. Appeals under Licensing Acts to lie to justices of county of London.
 76. Appeals as to county rates to lie to justices of county of London.
 77. Clerk of peace of city of London to become clerk of peace of county of London.
 78. Clerk of peace for London to act for whole county when justices of London are appointed.
 79. Saving as to registration of county voters.
 80. Justices of county of London to appoint clerk of peace for county.
 81. Chamberlain of London to be county treasurer.
 82. Acts of Parliament as to justices, clerks of peace, and county treasurers to apply.
 83. Application of savings, &c. to Municipality of London.
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PART VII.

County Rates and Transfer of County Property.

84. London county rates.
85. Municipal Council to have powers of county justices as to county rates.
86. Members of Municipal Council not to have powers of county justices individually.
87. Disposal of county rates already ordered to be raised.
88. Property of clerk of peace for city of London to vest in Municipality of London.
89. Secretary of State to apportion county property between London, Middlesex, &c.
90. Remedies in case of neglect to account by county officers.
91. Compensation for property transferred.
92. Secretary of State may apportion mortgages on county rates.
93. Mortgagees may agree to accept security of London county rates.

Clause.

94. Secretary of State to apportion county liabilities.
95. Existing contracts of city or county justices to be valid.
96. Actions, &c. by or on behalf of city or county justices, &c. to continue.
97. Decrees, &c. made and fines imposed to be enforced by or against Municipality of London.
98. Carrying on of administrative proceedings commenced by justices of Middlesex, &c.
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100. Assistance to Secretary of State.

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106. Saving rights of liberty of Tower.
107. Parliamentary boundaries and electoral franchise not to be affected.
108. Inns of court, &c. not to be affected.
109. Stipendaries for City.
110. Repeal of inconsistent Acts.
111. Extension of boundaries.
112. Costs of Act.

SCHEDULES.

A
B I L L

FOR

Creating a County and Municipality of London, and for other A.D. 1875.
purposes connected therewith.

WHEREAS it is expedient that the municipal authority of the Corporation of the city of London, on the constitution of that Corporation being modified as in this Act provided, be extended throughout the metropolis, and that in and for the metropolis the Corporation, as so modified in constitution, do have (among other powers) all powers vested in the Metropolitan Board of Works and in vestries, district boards, or otherwise, under the provisions of the Metropolitan Local Management Act, and that in consequence of such modification the Corporation be designated the Municipality of London :

And whereas it is expedient that municipal wards be created in such parts of the metropolis as are not within the city of London :

And whereas it is expedient that the metropolis be constituted a county of itself, by the name of the county of London, and that provision be made respecting justices of the peace and county officers and others, and other matters in and connected with the county of London :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

Preliminary.

1. This Act may be cited as the Municipality of London Act, Short title.
1875.

2. In this Act the term "the metropolis" has the same meaning as in the Metropolitan Local Management Act, 1855.

[Bill 61.]

A

Interpreta-
tion.
18 & 19 Vict.
c. 120. s. 250.

- A.D. 1875. The term "the Municipal Corporations Act of 1835" means the
 5 & 6 W. 4. Act of the session of the fifth and sixth years of the reign of King
 c. 76. William the Fourth (chapter seventy-six), "to provide for the
 regulation of municipal corporations in England and Wales," and
 Acts amending the same. 5
- 18 & 19 Vict. The term the "Metropolis Management Acts" means the Metro-
 c. 120. polis Local Management Act, 1855, and Acts amending the same.
- 25 & 26 Vict. The term "the Secretary of State" means one of Her Majesty's
 c. 102, s. 111. Principal Secretaries of State.
- Effect of
 schedules. 3. The schedules to this Act shall be deemed part of this Act. 10
- Commence-
 ment of Act. 4. This Act shall, except where it is otherwise expressed, com-
 mence and take effect from and immediately after the *first day of*
January one thousand eight hundred and seventy-six, which time is
 in this Act referred to as the commencement of this Act.

PART II.

15

The County and Municipality of London.

- County and
 Municipality
 of London. 5. The metropolis shall be a county of itself, by the name of the
 county of London, and from and after the commencement of this
 Act shall be governed by one municipal body, and that body shall
 have the corporate name and constitution given thereto by this Act, 20
 and by that name and with that constitution, and subject and
 according to the provisions of this Act, shall have municipal authority
 throughout the metropolis.
- Incorporation of Muni-
 cipality of
 London and
 application
 of Municipal
 Corporations
 Acts. 6. The Lord Mayor of London, aldermen of London, and all
 members of the Municipality of London are hereby incorporated 25
 under the name and title of the "Municipality of London," with per-
 petual succession and a common seal, and with power to take, hold,
 and dispose of land and other property for the purposes of this Act.
- Division of
 metropolis
 into muni-
 cipal dis-
 tricts. The seal of the Municipality of London shall be the seal hereto-
 fore used by the Corporation of the city of London. 30
7. The metropolis shall be divided into the municipal districts
 named in the first column of the first schedule to this Act, which
 are in this Act referred to as the metropolitan municipal districts.
1. The districts shall comprise the parishes and parts of parishes
 named in connexion therewith respectively in the second 35
 column of the same schedule.
2. Every metropolitan municipal district other than that com-
 posing the city of London shall be divided into four wards,
 which shall respectively be designated the north, south, east,
 and west wards of such district. 40

3. The metropolitan municipal district comprising the city of A.D. 1875.

London shall be divided into eight wards, which shall be designated as may be most convenient by Her Majesty's Secretary of State under the provisions of the second schedule of this Act.

4. The liverymen of the city of London in their ancient capacity, or in what capacity, corporate or otherwise, soever they have heretofore been accustomed to meet, shall, from and after the commencement of this Act, be and be deemed to be a municipal ward, and shall elect for the municipal council of London one alderman and five councillors; and such election shall be had and conducted in all respects (but so nevertheless that it take place at the Guildhall of the city of London on the same day and at the same time as the election of aldermen and councillors in the other wards of the city of London are hereby provided to take place) as elections of the several officers of the livery are now had and conducted.

5. The wards into which the several metropolitan municipal districts shall be divided are referred to in this Act as municipal wards.

6. In each metropolitan municipal district the boundaries of the wards shall be set out and determined, under the direction of the Secretary of State, according to the rules in the second schedule to this Act.

8. The Corporation of the city of London, as it exists at the passing of this Act, by whatever name or title of incorporation the body corporate of the city of London has been at any time incorporated, designated, and known, shall from and after the commencement of this Act be merged in the Municipality of London. Merger of Corporation of city of London.

9. From and after the first election of municipal councillors for the metropolitan municipal district comprising the city of London, the common council of the city of London shall cease to exist. Discontinuance of common council of city of London.

10. The Corporation of the city of Westminster, as it exists at the passing of this Act, by whatever name or title of incorporation the body corporate of the city of Westminster has been at any time incorporated, designated, and known, shall from and after the commencement of this Act be superseded by this Act, and be merged in the Municipality of London. Merger of the Corporation of city of Westminster.

11. The Metropolitan Board of Works, as it exists at the passing of this Act, shall from and after the commencement of this Act be superseded by this Act, and be merged in the Municipality of London. Discontinuance of the Metropolitan Board of Works.

A.D. 1875.

Cesser of
vestries, dis-
trict boards,
auditors,
commission-
ers, &c.

12. From and after the first election of municipal councillors under this Act, the offices of vestrymen and members of district boards for parishes and districts, and of auditors, under the Metropolis Management Acts, shall cease, and there shall be no new election to the same.

5

From and after the same time the offices of all the members of a body (other than a vestry or district board) and officers superseded by this Act, acting for places wholly within the metropolis, shall cease, and there shall be no new appointment or election to any such office.

10

Saving for
lieutenancy
of city.

13. If it shall please Her Majesty, the commissions held by the lieutenants of the county of the city of London shall be deemed to be and shall be commissions for the county of London as defined by this Act, and the functions, powers, privileges, or proceedings of the court or commissioners of lieutenancy for the city of London shall be extended to the metropolis in all respects in like manner and as if the city of London comprised the whole metropolis.

15

General
savings for
charters,
rights, &c. of
city.

14. Subject only to the express provisions of this Act, all charters, grants, gifts, rights, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, immunities, acts, standing orders of common council, and byelaws granted to, had, used, enjoyed, enacted, or made by the Corporation of the city of London, the Corporation of the city of Westminster, or the Metropolitan Board of Works, shall continue and be, so far as all or any of them are not inconsistent with this Act, as if the same and each of them had been granted to, had, used, enjoyed, enacted, or made in favour of the Municipality of London.

25

Municipal
Corporations
Acts to
apply.

15. All the provisions of the Municipal Corporations Acts shall extend to the county and Municipality of London, as if the metropolis had been comprised in Schedule A. to the Municipal Corporations Act, 1835, except as herein otherwise provided.

30

PART III.

Municipal Council of London.

Members of
Municipality
of London.

16. Every person shall be deemed to be and shall be a member of the Municipality of London, and shall be entitled to join or vote in any election for any ward or wards in the metropolis, and be entitled to do any act as a member of the Municipality of London under this Act,—

35

1. Who is qualified to vote in the election of common councilmen in the metropolitan municipal district comprising the city of London :

40

2. Who is qualified to vote under the Metropolis Management Acts in the election of vestrymen in the other metropolitan municipal districts : A.D. 1875.

3. Or, who may be a liveryman of the city of London.

5 **17.** The governing body of the Municipality of London shall be the Municipal Council of London, consisting of,— Constitution of Municipal Council.
 The Lord Mayor of London ;
 The aldermen of London ;
 The municipal councillors of London.

10 **18.** The municipal councillors of London shall be,— Municipal councillors of London.
 1. The members at the commencement of this Act of the Metropolitan Board of Works, and two members from each vestry, not being members of the Metropolitan Board, to be nominated by the vestry at a special vestry immediately preceding the first election of municipal councillors, who shall continue to act for the remainder of their term of office as vestrymen as municipal councillors of London :

 2. The councillors of the metropolitan municipal wards as provided for by this Act.

20 **19.** The first election of councillors in the several municipal wards shall be governed by the rules in the third schedule to this Act. First election of councillors.

20. From and after the first election of municipal councillors under this Act, there shall be elected by the members of the Municipality of London five councillors for each municipal ward, and such election and every subsequent election shall take place, be had, and conducted, subject to the express provisions of this Act, as if the several metropolitan municipal wards were wards of a borough created by the Municipal Corporations Act of 1835. Election of councillors.

30 **21.** At every election of metropolitan municipal councillors and aldermen under this Act for each metropolitan municipal district and municipal ward created by this Act, every voter shall be entitled to a number of votes equal to the number of municipal councillors or aldermen to be elected for such ward and district Cumulative vote.
 respectively, and may give all such votes to one candidate, or may distribute them amongst the candidates as he thinks fit.

22. Subject to the express provisions of this Act, the Acts relating to the election of common councilmen of the city of London, and sections fourteen to nineteen and twenty-one to twenty-seven, all inclusive, of the Metropolis Management Act, Application to elections of Metropolitan Management Acts.
 [61.] A 3

A.D. 1875. 1855, and section thirty-six of the Metropolitan Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of municipal councillors and aldermen under this Act.

Aldermen of London.

23. The aldermen of London shall be elected by the members of the Municipality of London in the respective metropolitan municipal districts, in the number and proportion following :

1. Eight aldermen from among the members of the Municipality of London as representatives of the metropolitan municipal district comprising the city of London : 5
2. One alderman as representative of the livery ward created by this Act : 10
3. Three aldermen from among the members of the Municipality of London as representatives of each of the other metropolitan municipal districts. 15

Subject to the provisions of this Act, relative to the aldermen of London first elected thereby, every alderman of London shall be elected for three years.

First aldermen of London.

24. The first aldermen of London shall be,—

1. The persons who at the commencement of this Act are aldermen of the city of London as representatives of that district : 20
2. Three aldermen for each of the other metropolitan municipal districts, who shall be elected at the same time as the municipal councillors.

The chairman of the Metropolitan Board of Works at the commencement of this Act shall be an alderman of London for the residue of his term of office. 25

Election of aldermen of London.

25. Upon the day of November one thousand eight hundred and seventy- and in every succeeding year one third part of the aldermen elected for each metropolitan municipal district, as provided by this Act, shall go out of office, and in the said year one thousand eight hundred and seventy- 30 those who shall go out of office shall be the alderman or aldermen who was or were elected under the provisions of this Act by the smallest number of votes at the first election of aldermen ; 35 and in the next year, one thousand eight hundred and seventy- those who shall so go out of office shall be the alderman or aldermen who were elected under the provisions of this Act by the next smallest number of votes at such first election, the majority of the councillors for each metropolitan municipal district always deter- 40 mining, when the votes for any such alderman shall have been equal, who shall be the person to so go out of office, and thereafter those

who shall so go out of office shall always be the alderman or aldermen who has or have been the longest time in office without re-election. A.D. 1875.

26. No vacancy, from whatever cause arising, in the Municipal Council of London, amongst the persons who at the commencement of this Act shall be aldermen of the city of London, shall be filled up until the number of aldermen of the said city who shall be aldermen of London shall be reduced to eight, from which time every such vacancy shall be filled up through the election within fourteen days after the occurrence of the same, by the members of the Municipality of London in the metropolitan municipal district comprising the city of London, of an alderman for the city as representative thereof; and every alderman so elected shall hold office for the same period as an alderman elected for any other metropolitan municipal district.

27. The first Lord Mayor of the Municipality of London shall be the person who is at the commencement of this Act mayor of the city of London, and he shall be entitled to hold office until the day of one thousand eight hundred and seventy-six.

Every subsequent Lord Mayor of London shall be elected by the Municipal Council of London from among the members of the Municipality of London, and shall, subject to the approval of Her Majesty, to be signified by the Lord Chancellor, be entitled to hold office for one year.

The election and admission to office of the Lord Mayor of London may be had and conducted at the like time and with the like formalities as the election and admission to office of the mayor of the city of London have been accustomed to be had and conducted, but the Municipal Council of London shall have power to dispense with any ceremonies in reference thereto which they may deem unnecessary.

28. The Lord Mayor of London shall at all times have and retain such dignity and precedence in all respects as the mayor of the city of London has at the passing of this Act, and shall have, exercise, and perform all such functions, powers, authorities, and duties as the mayor of the city of London by statute or other law, or by the charters and customs of the city of London, has, exercises, and performs, or could lawfully exercise or perform, and shall and may use a seal of office.

29. The Lord Mayor of London shall have power to appoint under his hand, from among the aldermen of the municipal district comprising the city of London, a deputy mayor of London, who in the absence of the Lord Mayor shall during his term of office

A.D. 1875. have, enjoy, and exercise all precedence, power, authority, and jurisdiction within the metropolis, which the Lord Mayor of London could have, enjoy, and exercise.

Occasional vacancies in mayoralty of London.

30. If the Lord Mayor should die or cease to hold office before the expiration of his term of office as Lord Mayor, the deputy Lord Mayor of London shall become Lord Mayor for the remainder of the then current year of office of the Lord Mayor, with power to appoint a deputy mayor of London as herein provided.

Lord mayor, aldermen, and municipal councillors re-eligible.

31. The Lord Mayor of London and every alderman and municipal councillor of London going out of office shall be always re-eligible if 10 qualified for office.

Occasional vacancies among aldermen or councillors.

32. In case of any occasional vacancy occurring in the representation of a municipal ward or metropolitan municipal district by the death or resignation of any of the aldermen or councillors representing such ward or district, the electors of such ward or 15 district shall within fourteen days elect another alderman or councillor in like manner and form as at the ordinary annual election, and every alderman or councillor so elected shall hold office as alderman or municipal councillor of London respectively (as the case may be) during the residue only of the term of office 20 of the alderman or municipal councillor respectively in whose place he shall be elected which was current at the time when the vacancy occurred.

PART IV.

Powers, &c. of Municipal Council of London.

25

Functions, powers, &c. of Municipal Council of London.

33. The Municipality of London, acting by the Municipal Council of London, shall have, exercise, and perform in and for the metropolis,—

- (1.) All functions, rights, powers, authorities, and duties which at the commencement of this Act the Corporation of the 30 city of London, acting by the Court of Aldermen or by the Court of Common Council, or otherwise, have, exercise, and perform in and for the city of London or elsewhere :
- (2.) All duties, powers, and authorities which at the commencement of this Act are by or under any other Act, or by 35 charter or otherwise, vested in the Corporation of the city of Westminster :
- (3.) All functions, rights, powers, authorities, and duties which at the commencement of this Act the Metropolitan Board

of Works have, exercise, or perform, or could exercise or perform, except such thereof as necessarily under this Act cease or become incapable of being exercised or performed : A.D. 1875.

(4.) All duties, powers, and authorities which at the commencement of this Act are by or under the Metropolis Management Acts, or any other Act, imposed on or vested in any vestry or district board of a parish or district situate in the metropolis :

(5.) All duties, powers, and authorities for or in relation to any purpose of this Act, which by any Local Act of Parliament, or otherwise, are imposed on or vested in any vestry, district board, body of commissioners, corporation, or body, or any officer thereof, in relation to a parish situate in the metropolis.

Every such vestry, district board, body of commissioners, corporation, body, or officer, save and except as in this Act is expressly provided, is superseded by this Act, and from and after the commencement of this Act their authority shall cease to exist.

34. All savings and provisions in any other Act, saving and providing for the rights of any body or officer superseded by this Act, as respects places within the metropolis, shall, as far as the same are applicable to the Municipality of London, and are not inconsistent with this Act, continue and have effect in favour of and with reference to the Municipal Council of London, or to any officer or person continued to be employed by such Municipal Council.

Application
of general
savings.

35. The Municipality of London shall, save as is herein-after provided, hold, receive, and take all real and personal property, and all duties, tolls, and revenues, vested in or receivable by the Corporation of the city of London, the Corporation of the city of Westminster, the Metropolitan Board of Works, or by any vestry or district board of a parish or district in the metropolis, or by any commissioners, corporation, or body, or any officer thereof, and held in connexion with any duty, power, or authority by virtue of this Act transferred to the Municipality of London, for the respective estate and interest of the Corporation of the city of London, the Corporation of the city of Westminster, the Metropolitan Board of Works, any vestry or district board, and any commissioners, corporation, or body, or any officer thereof, and shall hold, receive, take, and apply the same as the corporate property of the Municipality of London for the public benefit of the inhabitants of the metropolis: Provided, nevertheless, that the Municipality of London shall not, without having first obtained the assent of the deputy mayor and aldermen of the municipal

Transfer of
property to
Municipality
of London.

A.D. 1875. district comprising the city of London, expend the proceeds of any real or personal property, duties, tolls, and revenues vested in or receivable at the passing of this Act by the Corporation of the city of London, which, by charter, custom, or otherwise, is at the passing of this Act appropriated for or applied to the municipal government of the city of London, other than for the benefit of the municipal district comprising the city of London, so that nothing in this Act contained shall or shall be deemed to deprive such municipal district of any vested interest in property heretofore specially devoted to the benefit of the city of London, save with the aforesaid consent first had and obtained. 5 10

Application to Municipality of London of savings for Corporation of city.

36. All savings and provisions in any other Act, saving and providing for the rights of the Corporation of the city of London, or of the Corporation of the city of Westminster, or of the Metropolitan Board of Works, or any vestry or district board, shall, as far as the same are applicable to the Municipality of London, and are not inconsistent with this Act, have effect in favour of and with reference to the Municipality of London. 15

Functions &c. transferred to Municipal Council of London.

37. From and after the commencement of this Act the following functions, rights, powers, and authorities are transferred to and vested in the Municipal Council of London: 20

The election of a clerk and assistant clerk to the deputy mayor of London :

The election of the coroner of the city of London :

The nomination and appointment of the commissioners of sewers of the city of London : 25

The election of clerk of the works of the city of London :

The power to appoint, and from time to time to replace or dismiss, all such officers, clerks, and servants as the Common Council of the city of London have heretofore been accustomed to appoint, replace, or dismiss : 30

The power from time to time (subject as in this Act provided) to fix the salaries, compensations, or remunerations of the deputy mayor, and of all officers, clerks, and servants whom the Municipal Council are by this Act authorised to appoint: 35

The power to order all payments which before the commencement of this Act have been or might have been lawfully made out of the cash or funds of the city of London in, for, or towards the fulfilment and exercise of the functions, rights, powers, and authorities vested in the Municipal Council of London : 40

The power to make byelaws and acts of council for the better fulfilment and exercise of these functions, rights, powers, and authorities :

All functions, rights, powers, and authorities exercised by the Court of Aldermen or the Common Council of the city of London in reference to the city police : A.D. 1875.

5 All functions, rights, powers, and authorities incident or subsidiary to the fulfilment and exercise of the several functions, rights, powers, and authorities aforesaid.

38. All powers vested in the Municipal Council of London may be exercised by thirty members of the council present at a meeting of the council, the Lord Mayor, or in his absence the deputy mayor, of London being one, and no business shall be transacted at any meeting of the council unless a quorum of the council so constituted is present. Quorum of council.

39. The Municipal Council of London shall have the sole custody and control of all charters, deeds, records, muniments, and documents belonging to or concerning the Corporation of the city of London and the Corporation of the city of Westminster as they exist respectively at the commencement of this Act. Municipal Council to have custody of charters, &c.

40. The Municipal Council of London shall have such cognizance of elections of aldermen and municipal councillors of London as at the commencement of this Act the Court of Aldermen of the city of London has of the election of common councillors of that city, and shall in that behalf be a court of record. Municipal Council to have cognizance of elections.

41. The Municipal Council of London, for the convenient transaction of business, may from time to time appoint such standing and other committees so composed as they think fit, and may delegate to and distribute among those committees, or any of them, such of the duties, powers, and authorities of the council as they from time to time think fit. Power of Municipal Council to appoint committees.

42. It shall be lawful for the Municipal Council of London to elect a chairman of standing committees, who shall hold office for so long as he shall well behave himself, and who shall be invested with such functions and powers as the Municipal Council of London shall think fit, and the chairman of the Metropolitan Board at the date of the passing of this Act shall be for the remainder of his term of office the first chairman of such standing committees, at the like salary now paid to the said chairman of the Metropolitan Board. Power for Municipal Council to appoint chairman of standing committees.

43. The proceedings of the Municipal Council of London and of the committees thereof shall be regulated (except as otherwise provided by or under this Act) by the charters and customs of the city of London relative to the proceedings of the Common Council of the city and the committees thereof. Proceedings of Municipal Council to be regulated by charters, &c.

A.D. 1875.

Error in
elections, &c.
not to vitiate
acts of
council.

44. Any act or proceeding of the Municipal Council of London, or of any committee or of any of the members thereof, shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the council, or by reason of any person not qualified, or ceasing to be qualified, acting as a member thereof, 5 or by reason of any other irregularity, error, failure, or omission in or about any election, or in or about any matter preliminary or incidental thereto.

Saving for
court known
as Lord
Mayor's
Court.

45. The court of the mayor and aldermen of the city of London in the outer chamber, commonly called the Lord Mayor's Court, shall 10 be styled as heretofore the Lord Mayor's Court, but nothing in this Act shall affect the constitution, jurisdiction, functions, powers, or proceedings of that court.

Saving for
rights of
freemen,
liverymen,
&c. in the
city.

46. Except as in this Act is expressly provided, nothing in this Act shall affect any of the rights, privileges, franchises, and immunities 15 of the freemen, liverymen, and citizens of the city of London.

Continuance
of existing
commission-
ers, &c. till
election of
councillors.

47. Where under a Local Act an election or appointment of members of a body or an officer superseded by this Act is appointed to be had or made between the passing of this Act and the first election of municipal councillors, the members of the body or officer 20 acting at the passing of this Act shall until the first election of municipal councillors remain in office and discharge and exercise their or his duties, powers, and authorities as if this Act had not been passed.

Extended
powers of
compulsory
purchase of
land.

48. All powers which by the Metropolis Management Acts are 25 given to the Metropolitan Board of Works, and also all powers which by the Act of the fifty-seventh year of the reign of King George the Third (chapter twenty-nine), "For the better paving, "improving, and regulating the streets of the metropolis, and re- "moving and preventing nuisances and obstructions therein," are 30 given to the commissioners or trustees or other persons therein referred to, of taking land or rights or easements in or over land compulsorily, may be exercised by the Municipality of London for the improvement of any street, thoroughfare, or public place from time to time existing in the metropolis, and also for the purpose of 35 freeing any thoroughfare (including any bridges) within the same from tolls, gates, and bars, and the previous consent of the Secretary of State shall not in any case be required for such compulsorily taking.

Saving for
existing
contracts,
&c.

49. On and in consequence of any transfer of powers and pro- 40 perty by this Act from the Corporation of the city of London, and

from the Metropolitan Board of Works, and from a body, officer, or commissioner superseded by this Act, to the Municipality of London, the following provisions shall have effect: A.D. 1875.

- 5 (1.) All contracts, agreements, bonds, covenants, or securities made or entered into with or in favour of the Corporation of the city of London, Metropolitan Board of Works, or any person on their respective behalf, or in favour of a body, officer, or commissioner superseded by this Act, shall remain as valid and effectual as if this Act had not
10 been passed and there had been no transfer:
- (2.) Any action, suit, prosecution, or proceeding commenced or carried on by or against the Corporation of the city of London or the Metropolitan Board of Works, or by or against any body, officer, or commissioner superseded by
15 this Act, shall not abate or be discontinued or prejudicially affected by this Act, but shall be continued and carried on as if this Act had not been passed, the Municipal Council of London being only substituted for the Corporation of the city of London, Metropolitan Board of Works, or for
20 such body, officer, or commissioner superseded by this Act:
- (3.) All money coming to the Corporation of the city of London, the Metropolitan Board of Works, or any vestry, district board, or body, officer, or commissioner superseded by this Act, under any such contract, agreement, bond, covenant,
25 security, action, suit, prosecution, or proceeding, shall be paid over to the Municipal Council of London, or as they direct, and be applied to the like purposes as the same might have been applied to by the Corporation of the city of London, Metropolitan Board of Works, or that body, officer, or commissioner, if this Act had not been passed:
30
- (4.) All money, debts, and liabilities which the Corporation of the city of London, Metropolitan Board of Works, or that any vestry, district board, or body, officer, or commissioner would have been liable to pay or discharge under any such
35 contract, agreement, bond, covenant, security, action, suit, prosecution, or proceeding out of any estates or revenues of that corporation, or out of any rates levied by that board, body, officer, or commissioner, and all costs, damages, and expenses which that corporation, board,
40 body, officer, or commissioner might, if this Act had not been passed, have lawfully defrayed out of any such estates, revenues, or rates, shall be paid by the Municipal Council of London:

A.D. 1875.

- (5.) All decrees and orders made, fines and penalties imposed and incurred in any action, suit, or proceeding by or on behalf of that corporation, board, body, officer, or commissioner may be enforced, levied, recovered, and proceeded for by or on behalf of the Municipal Council of London.: 5
- (6.) All debts and liabilities lawfully charged on or payable out of the estates or revenues of the Corporation of the city of London, or out of any rate or assessment authorised to be made by the Metropolitan Board of Works, or by a body, officer, or commissioner superseded by this Act, shall 10 be charged on the same estates or revenues in the hands of the Municipal Council of London, and on the like or other rates leviable by them, and the Municipal Council of London shall cause the sums necessary for discharging the same to be raised out of or by means of those estates, 15 revenues, and rates:
- (7.) Every mortgagee or other person entitled to any mortgage or charge made or given by the Corporation of the city of London or by the Metropolitan Board of Works, or by a body, officer, or commissioner superseded by this Act, shall 20 have the same rights and remedies in relation thereto against the Municipal Council of London and their corporate estates and revenues, and the rates leviable by them, as he would have had against the Corporation of the city of London, the Metropolitan Board of Works, or a body, 25 officer, or commissioner superseded by this Act, or any of the estates or revenues thereof respectively, or any rates raised by them, if this Act had not been passed:
- (8.) Subject to the provisions of this Act, all administrative proceedings commenced by the Corporation of the city of 30 London, the Metropolitan Board of Works, or by a body, officer, or commissioner superseded by this Act, may be continued and completed by the Municipal Council of London.

Arrears of
rates made
by Metro-
politan Board.

50. Arrears at the commencement of this Act of rates made by the Metropolitan Board of Works shall be paid to the Municipality 35 of London, to be applied as nearly as may be as if this Act had not been passed.

Precepts for
sums assessed
on city.

51. Precepts by the Metropolis Management Acts required to be directed to the chamberlain of the city of London shall be directed to the Municipal Council of London, and the provisions of those 40 Acts relating to the payment by the chamberlain of sums required by such precepts shall, if necessary, apply to that council.

A.D. 1875.

PART V.

Officers of the Municipality of London.

52. The sheriffs of London, the recorder, the common serjeant, and the chamberlain, and all other officers and all servants of the Corporation of the city of London shall become and be officers and servants respectively of the Municipality of London, and those officers shall, according to their respective titles of office, be styled officers of the Municipality of London, and not officers of the city of London.
53. All officers and servants of the Metropolitan Board of Works shall become and be officers and servants of the Municipality of London.
54. All officers and servants of the Corporation of the city of Westminster shall become and be officers and servants of the Municipality of London.
55. Each of the officers and servants of the city of London and of the Corporation thereof, of the city of Westminster and the Corporation thereof, and of the Metropolitan Board of Works, becoming by virtue of this Act an officer or servant of the Municipality of London, until he resigns or is removed from his office or place shall continue to act in the like capacity as regards the metropolis and the Municipality of London.
56. The sheriffs, the chamberlain, the auditors of accounts, and the bridge masters of London shall, on vacancies, after the commencement of this Act, be appointed by the Municipal Council of London, and the powers of electing sheriffs, of electing a chamberlain, of electing an auditor of accounts, and of electing bridge masters vested in the Court of Common Hall of the city of London shall cease.
- Until the Municipal Council of London otherwise determine, those several officers shall hold office for the same periods, if any, and, except as in this Act expressly otherwise provided, under the same conditions, and shall be appointed at the same times as before the commencement of this Act.
57. Any alderman of London may be elected a sheriff of London.
58. Nothing in this Act shall affect the functions, powers, and authorities of the sheriffs of London as sheriffs of London or as sheriff of Middlesex.

Transfer of officers of city of London.

Transfer of officers of Metropolitan Board of Works.

Transfer of officers of city of Westminster.

Duties of officers transferred.

Appointment of sheriffs, chamberlain, &c.

Alderman may be sheriff.

Functions, &c. of sheriffs not affected.

A.D. 1875.

Appointment
of recorder.

59. The recorder of London shall be appointed by the Municipal Council of London, subject to the approval of Her Majesty, to be signified by the Lord Chancellor.

Appointment
of common
serjeant.

60. The common serjeant of London shall be appointed by the Municipal Council of London, subject to the approval of Her Majesty, to be signified by the Lord Chancellor.

Coroner for
county of
London.

61. The jurisdiction of the coroners for the county of Middlesex, so far as the same extends to the metropolis, shall, from and after the commencement of this Act, cease to exist, and the Municipal Council of London shall appoint a coroner or coroners for the county of London.

Fines for
non-accept-
ance of office.

62. Every person duly qualified, elected, or appointed to the office of Lord Mayor, sheriff, alderman, or municipal councillor of London, or to any office under the Municipality of London, for the non-acceptance of which or of the corresponding office to which a fine would be payable under the charters and customs of the city of London, shall accept the office to which he is elected or appointed, or shall, in lieu thereof, pay to the Municipality of London such fine as by charter or custom he would be liable to pay for the non-acceptance of the office of mayor, sheriff, alderman, or councillor of the city of London, or other office to which he is elected or appointed.

But every such person shall be entitled to claim the like exemptions from accepting or serving office as by charter or custom he would be entitled to in the like event as regards the city of London.

Newly ap-
pointed
officers need
not be free-
men.

63. Any person to be appointed by the Municipal Council of London an officer or servant of the Municipality of London need not be a freeman of the city of London.

Municipal
Council to
have control
over officers.

64. The Municipal Council of London shall have and exercise such authority, control, and jurisdiction over all officers and servants of the Municipality of London, elected or appointed before or after the commencement of this Act, as the Court of Aldermen or Common Council of the city of London, or either of them, have or has at the commencement of this Act over the officers and servants of the Corporation of the city of London; and the Municipal Council of London from time to time may discontinue the appointment of such officers and servants as appear to that council not necessary to be reappointed, and appoint such new or additional officers and servants of the Municipality of London, on such conditions, under such securities, with such qualifications, functions, and powers, and for such terms of office respectively, as that council think fit.

65. The Municipal Council of London shall from time to time A.D. 1875.
 fix the salary of Lord Mayor of London (not being less than the
 official income at the commencement of this Act of the Mayor of
 the city of London), and the salary of the chairman of standing
 5 committees of the Municipal Council (not being less than the
 salary at the commencement of this Act of the chairman of the
 Metropolitan Board of Works), and the salaries and remunerations
 of all other officers and of all servants of the Municipality of London
 (not being less as respects any person being at the commencement
 10 of this Act such an officer or servant than his salary or remuneration
 at the commencement of this Act), and may allow to the standing
 and other committees of the Municipal Council of London such
 yearly or other sums of money for the reasonable expenses of the
 members of those committees as the Municipal Council of London
 15 from time to time think fit.

Municipal
 Council to
 fix salaries,
 &c.

66. Every officer or servant of the Corporation of the city of
 London, of the Corporation of the city of Westminster, or of the
 Metropolitan Board of Works, becoming by virtue of this Act an
 officer or servant of the Municipality of London, shall from time to
 20 time account to the Municipal Council of London, or as they direct,
 for all matters committed to his charge and for all money received
 by him, and shall, when required by that Council, pay and deliver
 up as they appoint all money, goods, securities, deeds, books, and
 papers belonging to or concerning the Municipality of London in
 25 his possession or receipt, or under his control.

Officers to
 account to
 Municipal
 Council.

If any such officer or servant fails in any respect to comply with
 the requirements of this section he shall be liable, if previously an
 officer or servant of the Corporation of the city of London, to such
 process, punishment, or penalty as under the charters or customs of
 30 the city of London is provided in the like case, and if previously an
 officer or servant of the Metropolitan Board of Works, to such
 process, punishment, or penalty as under the Metropolis Manage-
 ment Acts is provided in the like case.

67. Sections sixty-six and sixty-seven of the Municipal Corpo-
 35 rations Act of 1835, relative to the compensation of officers, shall
 apply to every officer of the Corporation of the city of London, of
 the Corporation of the city of Westminster, or of the Metropolitan
 Board of Works, or of any vestry or district board, whose office is
 abolished by or under this Act, or who is removed from office by
 40 the Metropolitan Council of London, and is not reappointed under
 this Act, those sections being read as if the words "Municipal
 Council of London" were throughout substituted for "council" or

Compensa-
 tion to offi-
 cers.

A.D. 1875. "council of the borough," the words "funds of the Municipality of London" for "borough rate" or "borough fund," the words "Lord Mayor" for "Mayor," the word "chamberlain" for "treasurer," and the words "common seal of the Municipality of London" for the "common seal of the borough out of whose funds the same 5 shall be payable."

For the purpose of such compensation, any office held from year to year to which, since the beginning of the present century, the holder for the time being has been customarily re-elected, may be considered a permanent one. 10

PART VI.

Justices of London and County Officers.

Under commission of peace for county of London justices to be resident.

68. If Her Majesty is pleased to issue a commission of the peace for the county of London, every person assigned therein as a justice of the peace shall reside within the county of London, or within 15 twenty-five miles of the Guildhall in the city of London, during such time as he acts as a justice of the peace in and for the county of London.

Alderman of London need not be qualified by estate.

69. Any alderman of London shall not be disqualified to act as a justice of the peace for the county of London by reason only that 20 he has not the qualification by estate required by law in the case of justices of the peace for a county.

Justices of county of London to have powers, &c. of justices of counties of Middlesex, Surrey, and Kent.

70. On issuing of a commission of the peace for the county of London, all jurisdictions, functions, powers, and authorities vested in or held by the justices of the peace for the counties of Middlesex, 25 Surrey, and Kent, or any four, three, two, or one of them (except police magistrates and commissioners of police), and capable of being exercised in and for the metropolis or any part thereof, shall in and for the county of London, subject to the provisions of this Act, be transferred to and become exclusively vested in the justices 30 of the peace for the county of London, or any four, three, two, or one of them.

Prisons.

County of London to have separate prison jurisdiction.

71. On the issuing of a commission of the peace for the county of London, the county of London shall, for the purposes of the 35 Prison Act, 1865, and of Acts amending it, be a county having a separate prison jurisdiction, and all prisons situated in the county being under the prison jurisdiction of the county of Middlesex,

Surrey, or Kent, or of the city of London, shall be transferred to and under the separate prison jurisdiction of the county of London. A.D. 1875.

- 72.** The prison authority of the county of London shall be the justices of the county of London in quarter sessions assembled, except as respects provisions of the Prison Act, 1865, and of any Act amending it relating to the enlargement and rebuilding of prisons, the purchase of land, and the disposal of unnecessary prisons, for all purposes of which provisions the Municipal Council of London shall be the prison authority of the county of London. Prison authority of county of London.
- 73.** In case of any proposed alteration, enlargement, or rebuilding of a prison, or of the proposed building of a new prison within the prison jurisdiction of the county of London, the certificate of the recorder of London shall be sufficient within section twenty-four of the Prison Act, 1865. Certificate of recorder of London sufficient for altering, &c. of prisons.
- 74.** For the purposes of the Lunatic Asylums Act, 1853, and Acts amending it, the metropolis shall be deemed to be and shall be the county of London, and the general or quarter sessions of the justices of the county of London shall be deemed to be the general or quarter sessions of that county intended by every such Act, except as respects the raising of county rates or of money on mortgage of county rates for the purposes of any such Act, or the repayment thereof, in which respects the Municipal Council of London shall have and exercise all functions, powers, and authorities of justices of a county in general or quarter sessions assembled. Application of Lunacy Acts to county of London.
- 75.** Where under any Act authorising the granting or transferring of any license by the justices of the peace of a city, town corporate, or town, an appeal would lie from the act of a justice of the peace for the city of London, or for any such districts within the counties of Middlesex, Surrey, and Kent, which are comprised within the metropolis, to the general or quarter sessions of the same, such appeal shall, on the issuing of a commission of the peace for the county of London, lie to the general or quarter sessions of the justices of the county of London, which shall be deemed to be in all respects the general or quarter sessions of the peace intended by every such Act. Appeals under Licensing Acts to lie to justices of county of London.
- 76.** Where under any Act relating to county rates, or rates in the nature of county rates, an appeal would lie against any basis or standard of assessment for such rates to be levied within the county of London, or against any rate levied or proposed to be levied within that county, such appeal shall, on the issuing of a commission of the peace for the county of London, lie in the quarter sessions of the justices of the county of London, which for the purposes of

Appeals as to county rates to lie to justices of county of London.

A.D. 1875. every such appeal shall be deemed to be the quarter sessions mentioned by any such Act, and the justices of the county of London shall also have power of appointing justices to fix and determine boundaries under any such Act.

Clerk of peace for city of London to become clerk of peace for county of London.

77. The person who at the commencement of this Act is the clerk of the peace for the city of London shall become and be clerk of the peace for the county of London, and (subject to the provisions of this Act) shall continue to have, fulfil, and exercise all functions, powers, and authorities heretofore had, fulfilled, and exercised by the clerk of the peace for the city of London.

Clerk of peace for London to act for whole county when justices of London appointed.

78. From and after the issuing of a commission of the peace for the county of London, the person then clerk of the peace for the county of London shall, subject to the provisions of this Act, in addition to all other his functions, powers, and authorities under this Act, have, fulfil, and exercise within the county of London all functions, powers, and authorities then vested in the clerks of the peace for the counties of Middlesex, Surrey, and Kent respectively, as far as they are capable of being fulfilled and exercised within the county of London.

Saving as to registration of county voters. 28 & 29 Vict. c. 36.

79. Provided that the several clerks of the peace for the counties of Middlesex, Surrey, and Kent shall continue to have, fulfil, and exercise all functions, powers, and authorities vested in them by the County Voters Registration Act, 1865, or other Act relating to the registration of county voters, as respects any voters or claimants whose qualifying property, if any, is situated within the county of London.

Justices of county of London to appoint clerk of peace for county.

80. On the occurrence of any vacancy in the office of clerk of the peace for the county of London, after the issuing of a commission of the peace for the county of London, the justices for the county of London shall from time to time appoint the clerk of the peace for the county of London.

Chamberlain of London to be county treasurer.

81. From and after the issuing of a commission of the peace for the county of London, the chamberlain of the city of London shall be treasurer of the county of London, and shall have and exercise within the county of London, in addition to any functions, powers, and authorities exercised by him as treasurer of the city of London, all functions, powers, and authorities theretofore exercised within the county of London by the respective treasurers of the counties of Middlesex, Surrey, and Kent.

Acts of Parliament as to justices,

82. Subject to the provisions of this Act, any Act relating to justices of the peace, or any four, three, two, or one of them, capable

- of taking effect within the metropolis, shall in and for the county of London apply to the justices of the county of London, or any four, three, two, or one of them; and any Act relating to the clerk of the peace of a county, capable of taking effect within the metropolis, shall in and for the county of London apply to the clerk of the peace for the county of London; and any Act relating to the treasurer of a county, capable of taking effect within the metropolis, shall in and for the county of London apply to the treasurer of the county of London.
- 10 **83.** All savings and provisions in any Act saving and providing for the rights of the justices of the peace or of the clerks of the peace or other officers of the county of the city of London, and the counties of Middlesex, Surrey, and Kent, or any of them, shall, as far as the same are applicable to the justices of the county of
- 15 London, or any of their officers, and are not inconsistent with this Act, continue and have effect in favour of and with reference to those justices and every such officer.
- A.D. 1875.
clerks of
peace, and
county trea-
surers to
apply.
- Application
of savings,
&c. to Muni-
cipality of
London, &c.

PART VII.

County Rates and Transfer of County Property.

- 20 **84.** County rates or rates in the nature of county rates may be levied within the whole of the county of London for any purposes for which county rates or rates in the nature of county rates may be levied in any county.
- 25 **85.** All functions, powers, and authorities by the Act of the session of the fifteenth and sixteenth years of Her Majesty's reign (chapter eighty-one), "to consolidate and amend the statutes relating to the assessment and collection of county rate in Eng-
- 30 "land and Wales," or by any other Act given to or vested in the justices of the peace of any county in general or quarter sessions assembled (except as respects any appeal against a basis or standard of county rate, or against a rate, and as respects the appointing of justices to fix and determine boundaries), shall be vested in the Municipal Council of London, and all functions, powers, and authorities by any such Act given to or vested in a committee of justices
- 35 appointed by justices in general or quarter sessions assembled shall be vested in a committee of members of that council of the like number as in any such Act is provided in the like case; and, subject as aforesaid, all provisions relating to county rates in any such Act shall apply to county rates in and for the county of London.
- London
county rates.
- Municipal
Council to
have powers
of county
justices as to
county rates.
15 & 16 Vict.
c. 81.

Members of
Municipal
Council not
to have
power of
county jus-
tices indivi-
dually.

Disposal of
county rates
already or-
dered to be
raised.

Property
vested in
clerk of
peace for
city of Lon-
don to vest
in Muni-
cipality of
London.

Secretary of
State to ap-
portion
county
property
between
London,
Middlesex,
&c.

Remedies in
case of neg-
lect to ac-
count, &c. by
county
officers.

Compensa-
tion for pro-
perty trans-
ferred.

86. Provided that nothing in this Act shall give to any member of the Municipal Council of London individually, or to any two or four of such members, any jurisdiction, power, or authority which by any Act relating to county rates is given to any justice or to any two or four justices of the peace.

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87. All county rates made before the commencement of this Act in respect of any rateable property within the county of London, and not then actually received, shall be received or levied by the proper officers of the respective counties, by the justices of which the same have been made, as if this Act had not been passed, but all money received by every such officer in respect thereof shall, after payment thereof of his costs and expenses, be forthwith paid by him to the treasurer of the county of London.

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88. All real and personal property vested in the clerk of the peace for the county of the city of London as such shall, on the commencement of this Act, become and be vested in the Municipality of London for all his estate and interest therein.

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89. The Secretary of State shall direct what property or proportion of property or money at the commencement of this Act vested in or in hands of the respective clerks of the peace for and treasurers of the counties of Middlesex, Surrey, and Kent as such shall be transferred or set apart for the use of the county of London, and the same shall be transferred and set apart accordingly, and shall from and after the date of such direction become and be by virtue of this Act vested in the Municipality of London for all the estate and interest therein respectively of those several clerks of the peace and treasurers.

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90. Any Act relating to refusal, neglect, or omission of a clerk of the peace for a county, or a treasurer of a county, to account for, give up, or pay any property or money in his hands or under his control, shall apply to his refusal, neglect, or omission to account for, give up, or pay any property or money by or under this Act vested in the Municipality of London, or payable to any of their officers.

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91. The Secretary of State may, if he thinks fit, direct that a price or compensation be paid by the Municipality of London for any property transferred by or under this Act from a clerk of the peace or treasurer to the Municipality of London, and determine the amount thereof, and the person to whom, and the time and manner at and in which the same, with such interest thereon, if any, as he thinks fit, is to be paid by that Municipality, which amount and interest shall be charged on the county rates of the

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county of London, and the clerk of the peace, treasurer, or other officers entitled to receive that amount and interest shall have such remedy for the same against those rates as he would have if those rates had been duly mortgaged to him for that amount and interest. A.D. 1875.

5 **92.** The Secretary of State shall direct what proportion of any money raised by the justices of the peace for the counties of Middlesex, Surrey, and Kent respectively on the security of the county rates thereof, remaining owing at the commencement of this Act, is to be charged on and paid out of the county rates of London. Secretary of State may apportion mortgages on county rates.

10 The Secretary of State shall also specify the mortgages of rates or other securities to be henceforth charged on the last-mentioned county rates, and every such mortgage or security shall henceforth as between the Municipality of London and the justices of those respective counties, and the clerks of the peace for the same, become
15 charged exclusively on the county rates for the county of London, in the like manner as it was before charged, or the county rates of any of the same counties.

The chamberlain of London shall, seven days at least before any interest or principal in respect of any such mortgage or security
20 becomes due, cause the amount thereof to be paid to the treasurer of the county, on the county rates of which the same was before charged.

From the time when any such mortgage or security has so become exclusively charged on the county rates of the county of London
25 those rates shall, as between the Municipality of London and the justices of the county on the county rates whereof the same was before charged, and the clerk of the peace for the same, stand absolutely free from, and shall be by those justices and clerk of the peace as such indemnified against all other mortgages and securities
30 on the county rates of that county, and from and against all actions, suits, damages, and expenses in respect of the same.

93. Provided that any mortgagee of county rates, whose mortgage becomes charged on the county rates of the county of London, may by writing agree with the Municipality of London that the last-
35 mentioned rates shall be his sole security, and thenceforth the treasurer of London shall out of those rates pay the principal and interest secured thereby to him instead of to the treasurer of the county on the rates whereof the same were before charged, and the justices, clerk of the peace, and treasurer of that county shall
40 be discharged from all obligation to pay the same, and any Act relating to mortgages of county rates which would have taken effect as between such mortgagee and such justices, clerk of the peace, and

Mortgagees may agree to accept security of London county rates.

A.D. 1875. treasurer shall take effect as between him and the Municipality of London.

Secretary of State to apportion county liabilities.

94. The Secretary of State shall direct what charges and liabilities, or what proportion of charges and liabilities (other than mortgages of county rates), to which any property at the commencement of this Act vested in the respective clerks of the peace for the counties of Middlesex, Surrey, and Kent, and any money then in the hands of the respective treasurers of those counties, is subject, shall thenceforth be charged on, borne, and defrayed by the Municipality of London, and his direction in that behalf shall be effectual and conclusive to all intents, both by way of charge and by way of discharge in favour of and against the Municipality of London, and the respective clerks of the peace and treasurers, and third parties, and every person for the time being entitled at law or in equity to the benefit of any charge or liability becoming exclusively charged on or to be borne and defrayed exclusively by the Municipality of London, shall have in respect thereof the same remedies against that Municipality and their property as, if this Act had not been passed, he would have against the clerk of the peace or treasurer of any county or any property or money vested in him or in his hands.

Existing contracts of city or county justices to be valid.

95. All contracts and agreements made or entered into with or in favour of the justices of the city of London, or the clerk of the peace for that city, or with or in favour of the respective justices, clerks of the peace, treasurers, and other officers of the counties of Middlesex, Surrey, or Kent, before the issuing of a commission of the peace for the county of London, touching any property which by or under this Act is transferred to the Municipality of London, or touching any act or thing to be done within the county of London, shall remain as valid and effectual, and be proceeded with and enforced, as if this Act had not been passed.

All money coming to the respective clerks of the peace for and treasurers of the same counties under any such contract or agreement, which if this Act had not been passed would have become applicable for the purposes of any of the duties or powers by this Act transferred to the justices of the county of London, or to the Municipality of London, or any of their respective officers, shall be paid over to the treasurer of London, and be applicable to the like purposes respectively.

All money and liabilities which the clerk of the peace for the city of London, or the clerk of the peace for or treasurer or other officer of or for the same respective counties, would have been liable

to pay or discharge under any such contract or agreement out of any rates to be levied within the county of London, and all costs, damages, and expenses which such clerk of the peace, treasurer, or other officer might if this Act had not been passed have legally defrayed out of any such rates, shall be paid out of the county rates of the county of London. A.D. 1875.

96. Any action, suit, prosecution, or other proceeding whatsoever commenced or carried on before or at the time of the issuing of a commission of the peace for the county of London in favour of or against the respective justices, clerks of the peace, treasurers, or other officers of or for the city of London, or the counties of Middlesex, Surrey, or Kent respectively, touching any property by or under this Act transferred to the Municipality of London, or touching any matter or cause arising within the county of London, shall not abate or be discontinued or prejudicially affected by reason of this Act, but every such action, suit, prosecution, or proceeding shall continue and take effect in favour of or against the Municipality of London in the same manner in all respects as it would have continued and taken effect in favour of or against those justices, clerks of the peace, treasurers, or other officers respectively if this Act had not been passed.

Actions, &c.
by or on
behalf of city
or county
justices, &c.
to continue.

97. All decrees and orders made, and fines, amerciaments, and penalties imposed and incurred before the issuing of a commission of the peace for the county of London in any action, suit, or proceeding by or on behalf of or against the justices, clerks of the peace, treasurers, or other officers of or for the city of London, and counties of Middlesex, Surrey, and Kent respectively, touching any property by or under this Act transferred to the Municipality of London, or touching any matter or cause arising within the county of London, which if the same had arisen after the issuing of such commission would have concerned the justices of the county of London, or the chamberlain of London, or any officer of the county of London, may be enforced, levied, recovered, and proceeded for by or on behalf of or against the Municipality of London.

Decrees, &c.
made and
fines imposed
to be en-
forced by or
against
Municipality
of London.

98. Administrative proceedings commenced within the county of London by the justices of the city of London, and of the respective counties of Middlesex, Surrey, or Kent, before the issuing of a commission of the peace for the county of London, may be continued and completed by the justices of the county of London or the Municipality of London, as the case requires.

Carrying on
administra-
tive proceed-
ings com-
menced by
justices of
Middlesex,
&c.

99. The Secretary of State may, if he thinks fit, direct that any clerks of the peace, coroners, or any officers of the justices of the peace

Secretary of
State may
award that

A.D. 1875. for the respective counties of Middlesex, Surrey, and Kent employed
 county offi- within the county of London, whose offices are in part or wholly
 cers are to be abolished, or who are removed from office in consequence of this
 compensated Act, or who are not reappointed to some office by the Municipality of
 by Muni- London, be deemed officers entitled to compensation out of the funds 5
 cipality of of that municipality under this Act; and in the case of any clerk
 London. of the peace, coroner, or officer of the justices of the said counties
 entitled to compensation as aforesaid, the Secretary of State shall
 fix the amount of compensation to be paid for the loss of fees and
 other emoluments consequent upon or incidental to the passing of 10
 this Act, and such compensation shall be paid out of the funds of
 the Municipality of London, and the certificate of the Secretary of
 State shall be conclusive evidence of the amount to be so paid.

Assistance
 to Secretary
 of State.

100. The Secretary of State may appoint and employ such persons
 as he thinks fit to assist him in making any apportionment of 15
 liability, or in executing any other duty imposed on him by this
 Act, and may fix the payments to be made to any such person for
 his services, and the amount so fixed shall be paid, under the
 direction of the Secretary of State, out of the county rates of the
 county of London, or out of the county rates of the counties of 20
 Middlesex, Surrey, and Kent, or any or either of them, or partly in
 one way and partly in the other.

PART VIII.

Byelaws.

Power for
 Municipal
 Council to
 make bye-
 laws.

101. The Municipal Council of London may from time to time 25
 make byelaws for better carrying into effect this Act by such
 special majority as the Municipal Council, with the advice of the
 recorder of London, from time to time determine.

Saving for
 power to
 remedy
 defects in
 constitution.

102. The power conferred by charter or custom of the city of
 London, whereby the corporation of that city has been heretofore 30
 enabled to remedy defects in the constitution of the same, may be
 exercised also by the Municipal Council of London by such special
 majority as in the last preceding clause of this Act is provided.

Byelaws to
 be certified
 by recorder.

103. A byelaw under this Act shall not be valid unless certified
 by the recorder of London in writing under his hand to be not 35
 inconsistent with this Act.

A.D. 1875.

PART IX.

Miscellaneous.

104. All savings and provisions in any Acts of Parliament saving and providing for the rights of the Metropolitan Board of Works, or the justices of the peace, clerks of the peace, or other officers of or for the city of London and the counties of Middlesex, Surrey, or Kent respectively, or any of them, shall, so far as the same are not inconsistent with this Act, and as the same may be applicable to the Municipality of London, the justices of London, or any of the officers of the Municipality or of the justices of London respectively, continue and have force in favour of and with reference to the said Municipality, the justices of London, and every such officer or person respectively.

Savings, &c.
to accrue for
benefit of
Municipality
of London.

105. Nothing in this Act contained shall abridge, alter, or affect any right, power, exemption, or remedy of the Queen's most Excellent Majesty, her heirs or successors, or the Commissioners for the time being of Her Majesty's Works and Public Buildings, in or over or in relation to the possessions of the Crown or of the public, or divest the said commissioners of any power or property.

Saving for
Crown and
Commission-
ers of Works.

106. Nothing in this Act contained shall affect the rights and privileges of the liberty of the Tower of London.

Saving
rights of
liberty of
Tower of
London.

107. Nothing in this Act contained shall affect the boundaries of the city of London, or of the counties of Middlesex, Surrey, or Kent, or any of them, or any divisions of the same respectively, so far as respects the representation of the people in the Commons House of Parliament, or the rights of the said city and counties, or any of them, or any divisions of the same respectively, to return members to serve in Parliament, or the right of any person to vote in the said city, or in any of the said counties or divisions of counties respectively, in the election of such members.

Parliamen-
tary bound-
aries and
electoral
franchise
not to be
affected.

108. Nothing in this Act contained shall affect the places mentioned in Schedule C. to "The Metropolis Local Management Act, 1855," except so far as they are affected by the Metropolis Local Management Acts, and by the transfer hereby made of the functions, powers, and authorities of the Metropolitan Board of Works to the Municipality of London.

Inns of
Court, &c.
not to be
affected.

109. It shall be lawful for Her Majesty to establish a police court in and for the metropolitan municipal district comprising the city of London, and to appoint three magistrates to the same under the provisions of the Metropolitan Police Acts.

Stipendiaries
for city.

A.D. 1875.

Repeal of
inconsistent
Acts.

110. All Acts of Parliament in force in any city, borough, county, parish, or place in whole or in part included within the metropolis, or in any part of such city, borough, county, parish, or place which shall be so included respectively, shall, so far as the same are inconsistent with the provisions of this Act, be repealed 5 as regards such city, borough, county, or place, or such part thereof so included within the metropolis, but no further.

Extension of
boundaries.

111. If at any time hereafter, upon any account taken of the population by the authority of Parliament of any parish within the metropolitan police district and not within the area of the metropolis, 10 the number of inhabited houses is found to exceed the number of it shall be lawful for Her Majesty's Secretary of State, upon the application of the ratepayers of any such parish, to constitute such parish a part of the metropolis within the provisions of this Act, with power to declare the same a metropolitan 15 municipal district or a ward of a metropolitan municipal district, and to apportion the number of aldermen and councillors to represent such district or ward, as if such parish was named in the first Schedule to this Act.

Costs of Act.

112. The costs, charges, and expenses preliminary to and of and 20 incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Municipal Council of London.

SCHEDULES.

THE FIRST SCHEDULE.

The Metropolitan Municipal Districts.

Districts.	Parishes and Districts.	Districts.	Parishes and Districts.
5 City of London and Livery Ward.		Hackney	St. Mary, Stoke Newington. Hackney. St. Leonard, Shoreditch. St. Matthew, Bethnal Green.
10	St. Ann, Soho. The Rolls Liberty. St. Clements Danes. St. Mary-le-Strand. St. John, Savoy.		
Westminster	St. Paul, Covent Garden. St. Martin-in-the-Fields. St. James, Westminster. St. George, Hanover Square. St. Margaret. Close of St. Peter. St. John the Evangelist.		
15			Old Artillery Ground. Norton Folgate, Liberty of. Christ Church, Spitalfields. Mile End New Town. St. Mary, Whitechapel. Holy Trinity, Minorities. St. Botolph Without, Aldgate. St. Catherine by the Tower. Old Tower Without. Tower of London. St. George's-in-the-East. Mile End Old Town. St. John, Wapping. St. Paul, Shadwell. Ratcliffe Hamlet. St. Ann, Limehouse. St. Mary, Stratford-le-Bow. St. Leonard, Bromley. All Saints, Poplar.
20	Chelsea. Fulham. St. Peter and St. Paul, Hammersmith. St. Mary Abbot, Kensington.	Tower Hamlets	
25	Paddington. Marylebone. St. John, Hampstead. St. Pancras.		
Marylebone			
30	Saffron Hill. Hatton Garden. Ely Rents. Ely Place. St. Andrew, Holborn, above Bars. St. George the Martyr. St. Sepulchre (minus part in city of London). St. George, Bloomsbury. St. Giles-in-the-Fields. St. Luke's. Charterhouse. Liberty of Glasshouse Yard. St. James and St. John, Clerkenwell. St. Mary, Islington.	Lambeth	Putney and Roehampton. Wandsworth. St. Mary, Battersea, including Penge. Clapham. Tooting Graveney. Streatham. Lambeth.
35			
Finsbury			
40			
45			

THE FIRST SCHEDULE—continued.

Districts.	Parishes and Districts.	Districts.	Parishes and Districts.
Southwark	Christ Church. St. Saviour and the Clink Liberty. St. Olave. St. Thomas. St. John, Horsleydown. St. George - the - Martyr, Southwark. St. Mary, Newington. Bermondsey. St. Mary, Rotherhithe. Camberwell.	Greenwich	St. Paul, Deptford. St. Nicholas, Deptford. Greenwich. Woolwich. Plumstead. Charlton next Woolwich. Lee. Kidbrooke, Lewisham (minus Sydenham Chapelry), Sydenham Chapelry. Eltham.

THE SECOND SCHEDULE.

Division of Wards.

1. The Secretary of State shall, as soon as conveniently may be after the passing of this Act, appoint not more than four fit persons to inquire and report to him on the division of wards in the several metropolitan municipal districts. 20
2. Any one or more of those persons may be appointed to act separately from any other or others of them, as the Secretary of State thinks fit.
3. The Secretary of State may, if circumstances appear to him to so require, appoint any other fit person or persons in the place of or in addition to any person or persons originally so appointed. 25
4. Every person so appointed shall be paid at a rate not exceeding five guineas for every day on which he is employed, and the amount payable to him shall be paid, under direction of the Secretary of State, out of the rates of the Municipality.
5. The names of all persons so appointed shall be published in the London 30 Gazette.
6. The division shall be completed on or before the 31st day of January 1871.
7. A copy of the particulars of such division shall in each case be forthwith transmitted to the Secretary of State. 35
8. The particulars thereof shall be published by direction of the Secretary of State in the London Gazette.
9. After such publication such division shall be binding and have full effect.

10. The same shall nevertheless be submitted, as soon as conveniently may be, to Her Majesty in Council, who may either approve the same, or refer the same back to the same or any other person or persons, for further inquiry and report before approval thereof. A.D. 1875.

- 5 11. Every Order in Council containing such approval shall be published in the London Gazette, and the division so approved shall be final and conclusive.

THE THIRD SCHEDULE.

First Elections of Councillors.

- 10 1. At the first elections the persons qualified to be elected councillors and to elect them shall be the persons who under the Metropolis Management Acts would be qualified to be elected and to elect vestrymen for the several parishes and parts of parishes comprised in the several wards of each district.

- 15 2. Where a parish is only partly comprised in a ward, the ward for and in which a person shall be qualified to be elected and to vote shall be the one wherein the hereditaments in respect of which he claims to be qualified are situate.

- 20 3. Notice of the first elections of councillors shall be given by the church-wardens of every parish wholly or partly comprised in a district, by causing to be published in the parish and in each part thereof comprised in a distinct ward of a district, twenty-one days at least before the day of election, this notice :

Municipality of London Act, 187 .

District of

Ward of

- 25 The parishioners qualified according to The Metropolis Management Act, 1855, are hereby required to meet on the day of 187 , at and then and there to elect fit persons to be councillors of this district for this ward.

- 30 4. Sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, shall apply to the first elections, with the substitution of the word councillors for the word vestrymen, and the omission of so much of those sections as relates to auditors.

- 35 5. The first election of councillors in each ward shall be held on the day of 187 .

6. The councillors elected at the first election shall remain in office until the time of annual election of councillors under the Municipal Corporations Acts.

Municipality of London.

A

B I L L

For creating a County and Municipality
of London, and for other purposes
connected therewith.

(*Prepared and brought in by*
Lord Elcho and Mr. Kay-Shuttleworth.)

Ordered, by The House of Commons, to be Printed,
11th February 1875.

[Bills 61.]

Under 5 os.

National Debt (Sinking Fund) Bill.

ARRANGEMENT OF CLAUSES.

New Sinking Fund.

Clause.

1. Amount of permanent annual charge for National Debt.
2. Annual charges payable out of permanent charge.
3. Application of surplus as new sinking fund to reduce debt.

Old Sinking Fund.

4. Annual account of income and expenditure.
5. Application of surplus income to reduce debt.
6. Repeal of 29 & 30 Vict. c. 39. s. 16.

Miscellaneous.

7. Accounts of new and old sinking funds.
 8. Supplemental provisions as to new and old sinking funds.
 9. Definitions.
 10. Short title.
-

A

B I L L

TO

Amend the Law with respect to the Reduction of the National Debt and the Charge for the National Debt in the Consolidated Fund. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *New Sinking Fund.*

1. For the payment of the annual charge on account of the National Debt there shall be issued out of the Consolidated Fund,— Amount of permanent annual charge for National Debt.

10 (a.) During the financial year ending the *thirty-first day of March one thousand eight hundred and seventy-six* the sum of *twenty-seven million four hundred thousand pounds* ; and

(b.) During the financial year ending the *thirty-first day of March one thousand eight hundred and seventy-seven* the sum of *twenty-seven million seven hundred thousand pounds* ; and

15 (c.) During every subsequent financial year the sum of *twenty-eight million pounds*.

The said annual sum (in this Act referred to as the permanent annual charge for the National Debt) shall be charged on and
20 issued out of the Consolidated Fund, at such times and in such manner as may be required for paying the charges payable thereout, and subject thereto, as the Treasury may from time to time direct, so that the whole amount thereof be issued in each financial year.

2. There shall be paid out of the permanent annual charge for
25 the National Debt the following annual charges : Annual charges payable out of permanent charge.

(1.) All annuities, whether perpetual or terminable, charged on the Consolidated Fund under any Act passed before the passing of this Act (except as herein-after mentioned) ; and

[Bill 142.]

A 2

A.D. 1875.

(2.) All interest on exchequer bonds or exchequer bills issued in pursuance of any Act passed before the passing of this Act (except as herein-after mentioned) ; and

29 & 30 Vict.
c. 39.

(3.) All interest on advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866 ; and

(4.) The interest on all loans borrowed under any Act to meet ways and means ; and

33 & 34 Vict.
c. 71.

(5.) The annual sum of *five shillings* in respect of each sum of *one hundred and ten pounds* of the two pounds ten shillings per centum bank annuities which is payable to the account of the National Debt Commissioners in pursuance of section sixty-nine of the National Debt Act, 1870 ; and

(6.) The annual sums payable for the time being to the Bank of England and Bank of Ireland for the management of the National Debt, or of any part thereof.

There shall not be paid out of the permanent annual charge for the National Debt any annuities or the interest on any exchequer bonds or exchequer bills or on any other loans created, issued, or borrowed,—

(a.) Under any Act relating to the Public Works Loan Commissioners passed before the passing of this Act ; or

(b.) Under any Act passed after the passing of this Act which does not direct the same to be paid out of the said permanent annual charge.

Application
of surplus as
new sinking
fund to re-
duce debt.

3. Such portion of the permanent annual charge for the National Debt as is in any financial year not required for the purpose of paying the annual charges directed by this Act to be paid thereout (which portion may hereafter be called the new sinking fund) shall be from time to time issued to the National Debt Commissioners, and shall be applied by them, within *six months* after the date of the issue thereof, in purchasing, redeeming, or paying off any one or more of the following descriptions of debt, namely, annuities (perpetual or terminable) charged on the Consolidated Fund, and exchequer bonds and exchequer bills (whether held by the public or on account of the Exchequer, or sent into the Bank of England for payment) ; but the new sinking fund shall not be applied in paying off any advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866, or in paying off any loan borrowed under any Act to meet ways and means.

29 & 30 Vict.
c. 39.

Old Sinking Fund.

A.D. 1875.

4. The Treasury shall, within *fifteen days* after the expiration of every financial year, prepare an account of the public income and expenditure of the United Kingdom according to the
 5 actual receipt and issue of moneys on the Exchequer accounts at the Bank of England and the Bank of Ireland during the said financial year, and shall therein show either the surplus of such income or the excess of such expenditure during the said year :

Annual
account of
income and
expenditure.
See
29 & 30 Vict.
c. 39. s. 16.

10 Provided that issues made for the payment of expenses authorised by any Act other than the annual Appropriation Act, shall not, so far as moneys to meet such issues have been provided out of loans, be deemed for the purpose of the said account to be part of such expenditure.

15 A copy of such account, certified by the Controller and Auditor General, shall be laid before the House of Commons within one month after the expiration of the financial year, if Parliament be then sitting, or, if not sitting, within one week after the then next meeting of Parliament, and a copy of the account so certified shall also be sent to the National Debt
 20 Commissioners.

5. If there appear by the said account for any financial year to be a surplus of income above expenditure for that year, the Treasury shall in the course of the next financial year cause the amount of such surplus (which may be called the old sinking fund) to be
 25 issued out of the Consolidated Fund, or the growing produce thereof, at such times during that year as they may from time to time direct.

Application
of surplus
income to
reduce debt.

The old sinking fund shall be issued to the National Debt Commissioners, and shall be applied by them, within *six months* after
 30 the date of the issue thereof, in purchasing, redeeming, or paying off any one or more of the following descriptions of debt, namely, annuities (perpetual or terminable) charged on the Consolidated Fund, and exchequer bonds and exchequer bills (whether held by the public or on account of the Exchequer, or sent into the Bank
 35 of England for payment), and advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866, but the old sinking fund shall not be applied in paying off any loan borrowed under any Act to meet ways and means.

29 & 30 Vict.
c. 39.

40 6. Section sixteen of the Exchequer and Audit Act, 1866, is hereby repealed as from the thirtieth day of June one thousand eight hundred and seventy-five, without prejudice to the application

Repeal of
29 & 30 Vict.
c. 39. s. 16.

A.D. 1875. — of any sums issued in pursuance of that section before that date, or to the cancellation of any debt redeemed or purchased before that date with sums issued in pursuance of that section.

Miscellaneous.

Accounts of
new and old
sinking
funds.

7. The National Debt Commissioners shall keep such accounts 5 of the application of the old and new sinking funds of each financial year as the Treasury may from time to time direct, and those accounts shall, within *one month* after the expiration of each financial year, be submitted to the Controller and Auditor General in such form as the Treasury may from time to time direct, and 10 forthwith audited by him.

Before the expiration of *two months* after the expiration of the said financial year the Controller and Auditor General shall send the said accounts as audited by him to the Treasury, who shall 15 forthwith lay the same before the House of Commons, accompanied by such particulars relating to the new and old sinking funds (to be furnished by the National Debt Commissioners), as the Treasury may from time to time direct.

Supple-
mental pro-
visions as to
new and old
sinking
funds.

8. The Treasury shall publish from time to time in the London Gazette the sums which will be issued by them in pursuance of 20 this Act in each quarter of a financial year to the National Debt Commissioners.

All annuities, bonds, bills, and loans purchased or redeemed by the National Debt Commissioners in pursuance of this Act shall be forthwith cancelled in such manner as the Treasury may from 25 time to time direct; and any such direction shall be a sufficient indemnity to the Bank of England and the Bank of Ireland for anything done in pursuance thereof.

Definitions.

9. In this Act—

The expression “Treasury” means the Commissioners of Her 30 Majesty’s Treasury;

The expression “National Debt Commissioners” means the Commissioners for the Reduction of the National Debt;

The expression “Bank of England” means the Governor and Company of the Bank of England;

The expression “Bank of Ireland” means the Governor and 35 Company of the Bank of Ireland;

The expression “financial year” means the twelve months ending on the thirty-first day of March;

The expression “loan borrowed under any Act to meet ways 40 and means” means a loan borrowed in pursuance of an Act

authorising sums to be borrowed on the credit of any sum A.D. 1875.
which the Treasury are authorised by an Act to issue out
of the Consolidated Fund towards making good the supply
granted to Her Majesty; and

- 5 The expression "Consolidated Fund" means the Consolidated
Fund of the United Kingdom.

10. This Act may be cited as the Sinking Fund Act, 1875.

Short title.

National Debt (Sinking Fund).

A

B I L L

To amend the Law with respect to the
Reduction of the National Debt and
the Charge for the National Debt in
the Consolidated Fund.

(*Prepared and brought in by*
Mr. Raikes, Mr. Chancellor of the Exchequer,
and Mr. William Henry Smith.)

Ordered, by The House of Commons, to be Printed,
28 April 1875.

[Bill 142.]

Under 1 oz.

National School Teachers (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation of terms.
3. Local Government Board to give notice to guardians inquiring whether they are willing to become a contributory union.
4. Any guardians may resolve that their union shall contribute to results fees.
5. Certificate of resolution of guardians to be sent to Commissioners and to Local Government Board, and to be conclusive evidence of such resolution.
6. Commissioners of Education to certify the sum required to Local Government Board.
7. Local Government Board to assess the sum required in each contributory union, and to make order for the levy thereof.
8. Treasurers of contributory unions to pay over the amount so assessed to Bank of Ireland.
9. The Commissioners of Education to distribute the contribution of unions, together with the moneys granted by Parliament.
10. Disposition of overplus, &c.
11. Provision for teachers of Poor Law Union national schools.

A
B I L L

TO

Provide for additional payments to Teachers of National
Schools in Ireland.

A.D. 1875.

WHEREAS it is expedient to enable boards of guardians throughout Ireland to contribute towards increasing the remuneration of the teachers of national schools in their respective unions out of the rates for the relief of the destitute poor :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows ; (that is to say,)

1. This Act may be cited for all purposes as "The National
10 School Teachers (Ireland) Act, 1875." Short title.

2. In construing this Act the following expressions shall have
the meanings hereby assigned to them ; that is to say, Interpreta-
tion of terms.

The expression "the Commissioners of Education" shall mean
"the Commissioners of National Education in Ireland."

15 The expression "the Local Government Board" shall mean the
Local Government Board for Ireland.

The expression "financial year" shall mean the period of time
between the first day of April in any year and the first day of
April in the next following year.

20 The expression "the guardians," with respect to any poor law
union, shall mean the board of guardians for such poor law
union.

The expression "union" shall mean a poor law union.

25 The expression "contributory union" shall mean a union con-
tributing to the payment of fees to teachers of national schools
in such union in accordance with the provisions of this Act.

The expression "results fees" shall mean "fees payable in a
" contributory union to teachers of national schools in respect
" of the results ascertained to have been effected in their
30 " respective schools."

[Bill 223.]

A 2

A.D. 1875.

Local Government Board to give notice to guardians inquiring whether they are willing to become a contributory union.

3. The Local Government Board shall, on or before the *first day of September in the year one thousand eight hundred and seventy-five*, transmit to the guardians of each union in Ireland a notice requiring them within forty days after the receipt thereof to inform the Local Government Board whether, for the purpose 5 of increasing the remuneration of the teachers of national schools within such union, they are willing to become a contributory union within the meaning of this Act; and the Local Government Board shall, on or before the *first day of January in the year one thousand eight hundred and seventy-six*, and in every 10 subsequent year, transmit a notice to the like effect to the guardians of every union which shall not at such time be a contributory union.

Any guardians may resolve that their union shall contribute to results fees.

4. The guardians for any union duly assembled after fourteen days notice has been given in the manner required by the regulations 15 of the Local Government Board may, by the votes of a majority of their number, resolve that such union shall in each financial year contribute out of the rates for the relief of the destitute poor a sum equal to *one third* of the full amount which shall upon the passing of such resolution become payable in such year by way of results 20 fees in respect of pupils residing in such union, and such union shall thereupon become liable to the payment of such contribution out of such rates as aforesaid and be a contributory union.

Certificate of resolution of guardians to be sent to Commissioners and to Local Government Board, and to be conclusive evidence of such resolution.

5. When such resolution has been passed by the guardians of any union a copy of the same signed by the chairman of such 25 guardians and the clerk of such union shall be sent to the Commissioners of Education and to the Local Government Board, and shall be conclusive evidence that such resolution was in every respect duly passed; and every such resolution shall continue in force, and the union to which the same relates shall continue to be 30 a contributory union until the expiration of one year after the first day of April next after the passing of such resolution and thereafter until such resolution shall be rescinded: Provided always, that any such resolution may be rescinded by the vote of a majority of the guardians duly assembled after one month's notice, and if 35 so rescinded then from and after the first day of April next after such rescinding the union to which such resolution related shall cease to be a contributory union, but may again become a contributory union in manner by this Act provided.

Commissioners of Education to certify the sum required to Local Go-

6. The Commissioners of Education shall before the first day of 40 November in the year one thousand eight hundred and seventy-five transmit to the Local Government Board an estimate of the full amount payable as results fees in respect of pupils residing in each contributory union by the Commissioners of Education during the

financial year ending on the thirty-first day of March one thousand eight hundred and seventy-six, and shall before the first day of April in the year one thousand eight hundred and seventy-six and each subsequent year transmit to the Local Government Board an

A.D. 1875.
vernment
Board.

5 estimate of the full amount payable as results fees in respect of pupils residing in each contributory union by the Commissioners of Education in the financial year commencing with such first day of April, and shall require the Local Government Board in the year one thousand eight hundred and seventy-five, and in every subsequent
10 year, to provide a sum equal to one third of such full amount; and the said Local Government Board shall thereafter provide such sum in the manner by this Act prescribed.

7. Upon the receipt of every such estimate the Local Government Board shall by an order under their seal assess upon each contributory union a sum equal to one third of the full amount payable as results fees in respect of pupils residing in such contributory union, and shall transmit a copy of such order to the guardians and likewise to the treasurer of such contributory union, stating the amount so assessed on such contributory union.

Local Government Board to assess the sum required in each contributory union, and to make order for the levy thereof.

8. Forthwith on the receipt of such order by the treasurer of any contributory union he shall, out of the funds then lying in his hands to the credit of the guardians of such union, or if there shall be then no sufficient assets, out of the moneys next received by him and placed to the credit of such guardians, pay over the amount so
25 assessed on such contributory union to the Bank of Ireland, to be there placed to the credit of the Commissioners of Education to a separate account, to be entitled "The Results Fees Account;" and the guardians of such contributory union shall in their account with the electoral divisions of such contributory union debit each
30 electoral division with its proportion of the said amount according to the net annual value for the time being of the property rateable to the rates for the relief of the destitute poor in each such division.

Treasurers of contributory unions to pay over the amount so assessed to Bank of Ireland.

9. The Commissioners of Education, in the financial year ending on the *thirty-first day of March one thousand eight hundred and*
35 *seventy-six*, and in each subsequent financial year, shall, out of the sum so raised in each such year in each contributory union, pay to the teachers of national schools in such contributory union, other than the Poor Law Union national schools, a sum not exceeding *one third* of the full amount payable to such teachers
40 within that year by way of results fees in respect of pupils residing within such union.

The Commissioners of Education to distribute the contribution of unions, together with the moneys granted by Parliament.

10. If in any financial year the sum provided by the Local Government Board in respect of any contributory union exceeds the

Disposition of overplus, &c.

A.D. 1875.

amount required for the purposes of this Act in such year in respect of such contributory union, such overplus shall be carried to the credit of the next following financial year, and in such last-mentioned year only such sum shall be raised by assessment on such contributory union as shall be necessary in addition thereto to make 5 up the sum which would in the ordinary course under this Act be required to be provided by the Local Government Board in respect of such contributory union, in such next following financial year.

Provision for
teachers of
Poor Law
Union
national
schools.


11. The guardians of any union duly assembled after fourteen days notice has been given in the manner required by the regula- 10 tions of the Local Government Board may, by a majority of their number, resolve that in any year a sum may be given out of the rates for the relief of the destitute poor by way of fees to the teachers of the Poor Law Union national schools in such union, in respect of results ascertained to have been effected in their 15 respective schools in respect of pupils residing in such union, and thereupon the same shall be paid to such teachers by the guardians, on receiving a certificate of the results from the Commissioners of Education: Provided always, that the amount of any such payment shall not exceed the amount which would be payable 20 under the like circumstances to such teachers of such Poor Law Union national schools if they were teachers of other national schools.

National School Teachers (Ireland).

A

B I L L

To provide for additional payments to
Teachers of National Schools in
Ireland.

 (Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor
General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
25 June 1875.*

[Bill 223.]

Under 1 c2.

A
B I L L
TO

Afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for Teachers of certain National Schools in Ireland. A.D. 1875.

WHEREAS by an Act passed in the session of Parliament held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter forty, intituled “An Act to authorise a
“ further advance of Money for the purposes of improvement of
5 “ Landed Property in Ireland,” after reciting that great benefits had been derived by means of loans under certain Acts therein recited and specified in the schedule to this Act annexed, the advance of a further sum of money for the purposes of the said Acts was authorised, and the objects for which such loans might be made were
10 extended in the manner and subject to the conditions therein set forth:

And whereas for the purpose of affording facilities for obtaining loans for the erection, enlargement, improvement, or purchase of dwelling-houses as residences for national school teachers of schools in connexion with the Commissioners of National Education in Ire-
15 land which are not vested in the said Commissioners or in trustees for national school purposes (any of which schools is in this Act referred to as “a non-vested national school”), it is expedient to authorise the Commissioners of Public Works in Ireland, out of moneys issued to them, or to be issued to them, in pursuance of the pro-
20 visions of any of the Acts specified in the schedule to this Act annexed, to make loans to the amount, upon the security, and upon the terms and conditions by this Act authorised:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
25 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as “The National Short title.
“ School Teachers Residences (Ireland) Act, 1875.”

2 *National School Teachers Residences (Ireland).* [38 & 39 VICT.]

A.D. 1875.

Additional
purposes
for which
loans may
be made.

2. In addition to the purposes for which loans may be made under the provisions of any of the Acts specified in the schedule to this Act annexed, it shall be lawful for the Commissioners of Public Works, subject to such rules and regulations as may from time to time be made by the Commissioners of Her Majesty's Treasury, 5 to make loans in such cases as the said Commissioners of Public Works may judge expedient, for the purpose of assisting any person in the erection, enlargement, structural improvement, or purchase of any dwelling-house for a residence for the teacher of a non-vested national school: Provided always, that the 10 amount of any such loan shall not exceed two hundred and fifty pounds.

Loan to be
repaid by
annuity.
29 & 30 Vict.
c. 40. s. 3.

3. Every loan which shall be made under the provisions of this Act shall be repaid by the payment to Her Majesty of an annual sum of *five pounds* for every one hundred pounds of such loan from 15 time to time advanced, and so on in proportion for any lesser amount, and to be payable for the term of *thirty-five years*, to be computed from the date of the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and tenth day 20 of October in every year during the said term of thirty-five years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments: Provided always, that the amount of such annual sum may, by agreement, and with the sanction of the Commissioners of Her Majesty's Treasury be in- 25 creased to such amount as will repay the sum so advanced sooner than the said period of thirty-five years herein-before appointed.

Rentcharge
may be in-
creased so as
to repay sum
advanced
sooner than
time ap-
pointed.

All lands upon which any buildings or erections may stand which shall be erected, enlarged, or improved, or which shall have been purchased wholly or partly by means of a loan under this Act, 30 and all such buildings and erections, shall be deemed to be and shall be well charged with the payment of such rentcharge, and that in priority to all charges and incumbrances whatsoever affecting the same, save and except quitrents and rentcharges in lieu of tithes, and except all charges prior in date (if any) existing under any 35 of the Acts mentioned in the schedule to this Act: Provided always, that in case such lands or buildings shall be held under any grant or demise nothing herein contained shall prejudice or affect the right of the grantor or lessor in any such grant or demise, or of any superior grantor or lessor. 40

Insurance
of premises
subject to
loan.

4. When any loan shall be made under this Act, the said Commissioners of Public Works, if they think fit, may insure

against damage by fire all buildings and erections then or thereafter standing or being on the lands and premises charged with such loan, such insurance to be effected in such insurance office or company, and in such sum of money, not exceeding the amount
 5 of such loan, as the said Commissioners shall from time to time direct; and the said Commissioners shall keep on foot such insurance as aforesaid, and all premiums paid thereon by the said Commissioners shall be deemed to be included in all charges and securities whereby repayment of such loan shall be secured,
 10 and shall be forthwith recoverable in like manner as any instalment of the rentcharge payable in respect of such loan.

A.D. 1875.

5. The repayment of every loan which shall be made under the provisions of this Act shall be secured by an order of the said Commissioners of Public Works, under their common seal, and if
 15 they require it by the further security of at least three persons, the sufficiency and solvency of which persons shall be made out to the satisfaction of the said Commissioners; such security to be subject to such conditions as the said Commissioners shall deem to be proper; and every such order shall set forth the amount of such loan, the
 20 names of the persons to whom or on whose application and on whose security the same has been made, and a description of the lands or premises charged therewith.

Commis-
sioners to
make an
order.

In all cases where the said Commissioners shall have made any such order they shall execute a duplicate thereof, under their common
 25 seal, and forthwith cause the said duplicate order to be lodged with the registrar of deeds in the office for registry of deeds in the city of Dublin, and the registrar of the said registry office, his and their assistants, deputies, and other officers, shall register the same in the same manner as any deeds or instruments are registered in said
 30 office, and shall enter a memorial thereof in the abstract books and indexes of or relating to memorials registered and kept in the said office, and shall return such registry in any search made in such registry office: Provided always, that no fees shall be payable in respect of such registration.

35 6. No order, mortgage, bond, obligation, security, contract, agreement, or other instrument whatsoever executed under the provisions of this Act, nor any memorial thereof for registration, shall be liable to any stamp duty whatever.

Mortgages,
bonds, &c.
under this
Act exempt
from stamp
duty.

7. Except as by this Act expressly provided, all the powers, provisions, matters, and things in the Acts specified in the schedule to this Act annexed, or any of them, contained or referred to, and relating to the security for and repayment and recovery of loans
 40

Provisions of
former Acts
to apply.
29 & 30 Vict.
c. 40. s. 6.

4 *National School Teachers Residences (Ireland)*. [38 & 39 VICT.]

A.D. 1875. under the provisions of the same, shall be deemed to apply to all loans made under this Act, and to the security for, repayment and recovery of the same, in like manner in every respect as if such loans were made under the authority of the said Acts or of any of them.

This and former Acts to be construed as one Act.
29 & 30 Vict. c. 40. s. 7.

8. This Act and the Acts specified in the schedule to this Act 5 annexed shall be read together and construed as one Act, save so far as the provisions of this Act may be inconsistent with the provisions of the aforesaid Acts or of any of them.

SCHEDULE.

10 & 11 Vict. c. 32.	} Acts recited in 29 & 30 Vict. c. 40.	10
12 & 13 Vict. c. 23.		
12 & 13 Vict. c. 59.		
13 & 14 Vict. c. 31.		
13 & 14 Vict. c. 113.		15
15 & 16 Vict. c. 34.		
23 & 24 Vict. c. 19.		
25 & 26 Vict. c. 29.		
29 & 30 Vict. c. 40.		

National School Teachers Residences (Ireland).

A

B I L L

To afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for Teachers of certain National Schools in Ireland.

*(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor-
General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
31 July 1875.*

[Bill 279.]

Under 1 oz.

A

B I L L

TO

Amend the Law relating to Offences against the Person.

A.D. 1875.

WHEREAS it is expedient to amend the law relating to offences against the person :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Offences against the Person Act, 1875." Short title.

10 2. Sections fifty and fifty-one of the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act. Repeal of sections 50 and 51 of the Statute 24 & 25 Vict. c. 100.

15 3. Whosoever shall unlawfully and carnally know and abuse any girl under the age of twelve years shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than *five years*, or to be imprisoned for any term not exceeding
20 *two years*, with or without hard labour. Abusing a girl under twelve years of age.

4. Whosoever shall unlawfully and carnally know and abuse any girl, being above the age of twelve years and under the age of fourteen years, whether with or without her consent, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at
25 the discretion of the court, to be imprisoned for any term not exceeding *two years*, with or without hard labour. Abusing a girl above twelve years of age and under fourteen years of age.

5. Whosoever shall by false pretences, false representations, or other fraudulent means, have carnal knowledge of any girl, being above the age of fourteen years and under the age of sixteen years,

[Bill 45.]—

Seducing a girl between the ages of twelve and sixteen years.

A.D. 1875. whether with or without her consent, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding *two years*, with or without hard labour.

This Act to
be read with
the 24 & 25
Vict. c. 100.

6. This Act shall be deemed to be incorporated with the Act 5 of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, and shall be construed as if the said Act (except such parts thereof as are repealed or amended by this Act) and this Act were one Act.

Extent of
Act.

7. This Act shall not extend to Scotland.

10

[To be substituted for the
Bill already delivered.]

Offences against the Person.

A

B I L L

To amend the Law relating to Offences
against the Person.

(Prepared and brought in by
Mr. Charles and Mr. Whitwell.)

*Ordered, by The House of Commons, to be Printed,
9 February 1875.*

[Bill 45.]—

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Offences against the Person.

A.D. 1875.

WHEREAS it is expedient to amend the law relating to offences against the person :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Offences against the Person Act, 1875." Short title.

2. Sections fifty and fifty-one of the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act. Repeal of sections 50 and 51 of the Statute 24 & 25 Vict. c. 100.

3. Whosoever shall unlawfully and carnally know and abuse any girl under the age of twelve years shall be guilty of felony; and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than *five years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour. Abusing a girl under twelve years of age.

4. Whosoever shall unlawfully and carnally know and abuse any girl, being above the age of twelve years and under the age of thirteen years, whether with or without her consent, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding *two years*, with or without hard labour. Abusing a girl above twelve years of age and under thirteen years of age.

5. Whosoever shall by false pretences, false representations, or other fraudulent means, have carnal knowledge of any girl, being above the age of thirteen years and under the age of sixteen years, Seducing a girl between the ages of thirteen and sixteen years.

[Bill 131.]

A.D. 1875. — whether with or without her consent, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding *two years*, with or without hard labour.

This Act to
be read with
the 24 & 25
Vict. c. 100.

6. This Act shall be deemed to be incorporated with the Act 5 of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, and shall be construed as if the said Act (except such parts thereof as are repealed or amended by this Act) and this Act were one Act.

Extent of
Act.

7. This Act shall not extend to Scotland.

10

Offences against the Person.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Offences
against the Person.

(Prepared and brought in by
Mr. Charles and Mr. Whitwell.)

*Ordered, by The House of Commons, to be Printed,
20 April 1875.*

[Bill 131.]

Under 1 oz.

Offences against the Person Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Definition. "Offences against the Person Act."
2. Justices on conviction for common assault may require offender to enter into his own recognizances for good behaviour.
3. Justices on conviction for aggravated assault on male child or female may require sureties for good behaviour.
4. Penalty on offender not entering into recognizances or finding sureties.
5. Offences punishable with flogging.
6. Regulations as to flogging.
7. Form of and proceedings on indictment for a subsequent offence.
8. Repeal of 26 & 27 Vict. c. 44.
9. Short title.

SCHEDULE OF OFFENCES.

A

B I L L

FOR

The further Security of the Persons of Her Majesty's A.D. 1875.
Subjects from Personal Violence.

WHEREAS it is expedient to amend the law in respect of offences against the person :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In this Act the expression "Offences against the Person Act" means the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred,
10 intituled "An Act to consolidate and amend the Statute Law of " England and Ireland relating to offences against the person."

Definition.
"Offences against the Person Act."
24 & 25 Vict.
c. 100.

2. Where any person is convicted of an assault or battery under section forty-two of the Offences against the Person Act :

15 The justices may, if they think fit, in addition to or in lieu of any punishment which they are authorised to inflict, require the offender to enter into his own recognizances for keeping the peace and being of good behaviour for a period not exceeding *six months*.

Justices on conviction for common assault may require offender to enter into his own recognizances for good behaviour.

3. Where any person is convicted of an assault or battery on a
20 male child or on a female under section forty-three of the Offences against the Person Act :

25 The justices may, if they think fit, in addition to or in lieu of any punishment which they are authorised to inflict, require the offender either to enter into his own recognizances or both to enter into his own recognizances and to find sureties for keeping the peace and being of good behaviour for a period not exceeding *twelve months*.

Justices on conviction for aggravated assault on male child or female may require sureties for good behaviour.

[Bill 155.]

A 2

A.D. 1875.

Penalty on
offender not
entering into
recogni-
zances or
finding
sureties.

4. If any person, when required by justices in pursuance of this Act to enter into his own recognizances, fails to enter into such recognizances, or, when required by justices in pursuance of this Act to enter into his own recognizances and to find sureties, fails to enter into such recognizances or to find sureties, such justices may commit such person to prison for any period not exceeding *three months*, such imprisonment to be exclusive of any period of imprisonment to which he may be sentenced as a punishment for the offence committed by him.

Offences
punishable
with
flogging.

5. In the following cases, that is to say,—

10

(1.) Whenever, after the passing of this Act, any person is convicted before any court of oyer and terminer or gaol delivery of any offence specified or referred to in the schedule hereto; and

(2.) Whenever, after the passing of this Act, a person is convicted before any court of oyer and terminer or gaol delivery of the offence of unlawfully and maliciously wounding or inflicting any grievous bodily harm under section twenty of the Offences against the Person Act, or of an assault occasioning actual bodily harm under section forty-seven of the last-mentioned Act, and there is proved against him a previous conviction which has taken place either before or after the passing of this Act of any offence specified or referred to in the schedule hereto, or of any of the offences following, under the Offences against the Person Act, that is to say, (1) of the offence of unlawfully and maliciously wounding or inflicting any grievous bodily harm under section twenty of the last-mentioned Act, or (2) of an assault or battery on a male child or on a female under section forty-three of the last-mentioned Act, or (3) of an assault occasioning actual bodily harm under section forty-seven of the last-mentioned Act,

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the court may, in its discretion, in addition to any punishment which such court might otherwise award, direct that the offender, if a male, be once or twice privately flogged, subject to the regulations in this Act contained with respect to such flogging.

35

Regulations
as to flog-
ging.

6. The following regulations shall be enacted with respect to flogging under this Act:

1. The instrument used shall, in the case of an offender under sixteen years of age, be a birch rod, and in the case of any other offender be such instrument as is specified in the sentence of the court; and

40

2. The number of strokes to be inflicted at each flogging shall be specified in the sentence of the court; and shall not exceed *twenty-five* strokes; A.D. 1875.

3. A flogging shall not be inflicted after the expiration of six months from the passing of the sentence; and

4. Where the offender is sentenced to penal servitude every flogging to which he is sentenced shall be inflicted on him before he is removed to a convict prison with a view to his undergoing his sentence of penal servitude.

7. In any indictment for any offence punishable under this or any other Act of Parliament, and committed after a previous conviction for any felony, indictable misdemeanor, or offence punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place or at certain times and places convicted of felony, or of an indictable misdemeanor, or of an offence punishable upon summary conviction, (as the case may be,) without otherwise describing the previous felony, misdemeanor, or offence; and the proceedings upon any indictment for committing any offence after a previous conviction, shall, unless some other mode is prescribed by the Act under which the offence is punishable, be as follows; (that is to say,) the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted the court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: Provided, that if upon the trial of any person for any such subsequent offence such person give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence before the verdict of guilty is returned, and the jury shall inquire concerning such previous conviction at the same time that they inquire concerning such subsequent offence.

Form of
and proceed-
ings on in-
dictment for
a subsequent
offence.

A.D. 1875. 8. There shall be repealed the Act passed in the session of the
 Repeal of twenty-sixth and twenty-seventh years of the reign of Her present
 26 & 27 Vict. Majesty, chapter forty-four, intituled "An Act for the further
 c. 44. " security of the persons of Her Majesty's subjects from personal
 " violence," provided that such repeal shall not affect the punish- 5
 ment of any person convicted before the passing of this Act.

Short title. 9. This Act may be cited as " The Offences against the Person
 " Act Amendment Act, 1875."

SCHEDULE OF OFFENCES.

ROBBERY OR ASSAULT BY A PERSON ARMED, OR BY TWO OR MORE,
OR ROBBERY AND WOUNDING.

24 & 25 Vict. c. 96. s. 43.

5 Whosoever shall—

Being armed with any offensive weapon or instrument,

Rob, or assault with intent to rob, any person, or

Shall, together with one or more other person or persons,

rob, or assault with intent to rob, any person, or

10 Shall rob any person, and at the time of or immediately
before or immediately after such robbery shall wound,
beat, strike, or use any other personal violence to any
person.

WOUNDING WITH INTENT TO MURDER.

15 24 & 25 Vict. c. 100. s. 11.

Whosoever—

Shall by any means whatsoever wound or cause any grievous
bodily harm to any person,

With intent to commit murder.

20 WOUNDING WITH INTENT TO DO GRIEVOUS BODILY HARM.

24 & 25 Vict. c. 100., s. 18.

Whosoever shall unlawfully and maliciously by any means what-
soever—

Wound or cause any grievous bodily harm to any person,

25 With intent to maim, disfigure, or disable any person, or to
do some other grievous bodily harm to any person.

ATTEMPTING TO CHOKE, &C., IN ORDER TO COMMIT ANY INDICTABLE
OFFENCE.

24 & 25 Vict. c. 100. s. 21.

30 Whosoever shall—

By any means whatsoever,

Attempt to choke, suffocate, or strangle any other person, or

Shall by any means calculated to choke, suffocate, or strangle,

attempt to render any other person insensible, unconscious,

35 or incapable of resistance,

with intent in any of such cases thereby to enable himself or
any other person to commit, or with intent in any of such
cases thereby to assist any other person in committing any
indictable offence.

Offences against the Person Act Amendment.

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B I L L

For the further Security of the Persons
of Her Majesty's Subjects from Per-
sonal Violence.

(*Prepared and brought in by*
Mr. Secretary Cross, Mr. Attorney General,
and Sir Henry Selwyn-Ibbetson.)

Ordered, by The House of Commons, to be Printed,
6 May 1876.

[Bill 155.]

Under 1 oz.

LORDS AMENDMENTS

TO

THE OFFENCES AGAINST THE PERSON BILL.

Note.—*The page and line refer to the Bill (102.) as first printed
by the Lords.*

Clause 2, page 1, line 13, after (“ taken ”) insert (“ or of prosecuting
“ or punishing any person for any offence committed ”)

Leave out Clause 4.

TO
THE OFFENCES AGAINST THE
PERSON BILL.

*Ordered, by The House of Commons, to be Printed,
5 July 1875.*

[Bill 236.]

Under 1 oz.

A
B I L L

FOR

Affording facilities for vesting in the Metropolitan Board of Works open spaces, gardens, and squares within the Metropolitan District, for the exercise and recreation of the public, and to empower owners or joint owners, or a majority thereof, to enter into arrangements with the Metropolitan Board of Works in relation thereto. A.D. 1875.

Works open spaces, gardens, and squares within the Metropolitan District, for the exercise and recreation of the public, and to empower owners or joint owners, or a majority thereof, to enter into arrangements with the Metropolitan Board of Works in relation thereto.

WHEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **1.** The Metropolitan Board of Works may, by purchase, or by the gift of the person or persons entitled to the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the Metropolitan District, and hold the same in trust for the perpetual use thereof by the public for exercise and recreation, subject to such rules and regulations for the better enjoyment and use thereof as the said Metropolitan Board may from time to time adopt and prescribe.

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

20 **2.** As to any open space now or hereafter used as a place of exercise and recreation for the inhabitants of certain houses, and of which the property and right to entry into and use of the same is now or hereafter may be vested in one or more persons as owners of such houses, it shall be competent for the owners or other persons interested therein to convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

[Bill 50.]

A.D. 1875. prescribed by them, and as may be accepted by the said Metropolitan Board of Works.

Cases where rights of use belong to several persons.

3. Any person or persons in whom shall be vested the rights of use and enjoyment of any open space within the Metropolitan District, and the owner of the land, subject to such rights, may convey to the Metropolitan Board of Works, in trust for the use and enjoyment thereof of the public as aforesaid, the right to enter upon, use, and enjoy for the purposes of exercise and recreation such open space, and upon such terms and conditions as may be agreed upon between them and the said Metropolitan Board of Works; and when several persons are entitled to or have any interest in any such right, and in any such open space, if all of the persons so entitled shall not agree to such terms and conditions, then it shall be lawful for the person who may be entitled to two third parts of the total value of such rights and open space to agree with the said Metropolitan Board, and any agreement that shall be so made by persons entitled to two third parts in value shall be binding upon the residual third part, subject to the provisions herein-after mentioned.

In case of objection to transfer of open spaces to Metropolitan Board of Works.

4. Any person who may be entitled to any interest, either as owner, occupier, or otherwise, in any such open space or in any such right in respect of which two third parts in value shall as aforesaid have agreed to convey the same for the purposes aforesaid to the Metropolitan Board of Works, may, by notice in writing to the said Metropolitan Board of Works, object to such transfer and conveyance of such open space, and the said Metropolitan Board of Works shall thereupon give notice to the Local Government Board thereof, and the Local Government Board may thereupon cause local inquiry to be made into the case, and after receiving the report upon such inquiry shall decide upon the same, and shall either dismiss the application or shall make a provisional order confirming the proposed transfer, and making such award in respect of the compensation to be paid to the several parties interested as shall appear to them to be fair and equitable, and shall cause such provisional order to be submitted to Parliament for confirmation.

Provision for keeping up open spaces.

5. The Metropolitan Board of Works shall be entitled to make such provision as to the keeping up of any open spaces which may become so vested in them as aforesaid, and to make such byelaws to be confirmed by the Local Government Board, and to be enforced by penalties, as in the case of other byelaws made by them, as they may think fit, the keeping of order therein for the due preservation

of the same, the suppression of nuisances, and for securing the enjoyment of the same for public exercise and recreation. A.D. 1875.

6. The Metropolitan Board of Works shall be empowered to pay the costs and charges which they may incur in the execution of this Act, which shall be deemed to be expenses for which provision is made by the Act for the better local management of the metropolis. Expenses.

7. This Act shall not extend to the royal parks, nor to any garden, ornamental ground, or ornamental land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851. Extent of Act.

8. This Act may be cited as the Metropolitan Open Spaces Act, Short title.
1874.

Open Spaces (Metropolis).

A

B I L L

For affording facilities for vesting in the Metropolitan Board of Works open spaces, gardens, and squares within the Metropolitan District, for the exercise and recreation of the public, and to empower owners or joint owners, or a majority thereof, to enter into arrangements with the Metropolitan Board of Works in relation thereto.

*(Prepared and brought in by
Mr. Whalley and Sir George Bowyer.)*

*Ordered, by the House of Commons, to be Printed,
8 February 1875.*

[Bill 50.]

Under 1 oz.

A
B I L L

FOR

Affording facilities to vest in Metropolitan Board of Works open spaces for exercise and recreation. A.D. 1875.

WHEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. The Metropolitan Board of Works may, by purchase, or by the gift of the person or persons entitled to the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for
15 exercise and recreation, and may from time to time make byelaws for the regulation of such open spaces, and may by such byelaws provide for the removal of any person infringing any such byelaw by any officer of the said Board or police constable. Byelaws under this section shall be made in the same manner and subject to the
20 same conditions as byelaws made by the said Board under the Metropolis Management Act, 1855.

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

2. Where any open spaces now or hereafter used as places of exercise and recreation for the inhabitants of certain houses, and of which the property and right of user is now or hereafter may be
25 vested in one or more persons as owners of such houses, the owners or other persons interested therein may convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

[Bill 255.]

A.D. 1875. as may be agreed upon by such owners and other persons and
 — the said Board of Works.

Provision for
 keeping up
 open spaces.

3. The Metropolitan Board of Works shall be entitled to make such provision as may be necessary for maintaining and protecting the open spaces so acquired by them.

5

Expenses.

4. The Metropolitan Board of Works shall be empowered to pay out of the funds at their disposal or which they are empowered to raise under the said Metropolis Management Act, 1855, and the several Acts amending the same, the costs and charges which they may incur in the execution of this Act, and such costs and charges shall be deemed to be expenses for which provision is made by such Acts.

10

Extent of
 Act.

5. This Act shall not extend to the royal parks, nor to any garden, ornamental ground, or ornamental land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851.

20

Meaning of
 term "me-
 tropolis."

6. The term "metropolis" in this Act means the City of London and all parishes and places mentioned in Schedules A., B., and C. to the said Metropolis Management Act, 1855.

Short title.

7. This Act may be cited as the Metropolitan Open Spaces Act, 1875.

25

Open Spaces (Metropolis)
(No. 2).

A

B I L L

For affording facilities to vest in Metropolitan Board of Works open spaces for exercise and recreation.

(Prepared and brought in by
Mr. Whalley and Sir George Bowyer.)

Ordered, by the House of Commons, to be Printed,
14 July 1875.

[Bill 255.]
Under 1 oz.

A

B I L L

TO

Amend the Law relating to the Relief of Orphan and Deserted Children out of Workhouses in Ireland. A.D. 1875.

WHEREAS it is expedient to extend the age up to which orphan and deserted children may be kept out at nurse in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the passing of this Act, the Act thirty-two and thirty-three Victoria, chapter twenty-five, shall be and the same is hereby repealed. 32 & 33 Vict.
c. 25. re-
pealed.

10 2. From and after the *passing of this Act* it shall be lawful for the board of guardians of any union in Ireland to provide for the relief of any orphan or deserted child out of the workhouse, if they shall think fit to do so, according to their discretion ; provided that no child shall be placed out with any person who does not
15 profess the same religion as that in which the child has been registered, and that no child shall continue to be so relieved after the age of *ten* years ; provided always, that the guardians of the poor may, with the consent of the Local Government Board, continue such relief from year to year until the child attain the
20 age of *twelve* years.

Power to
guardians to
relieve
orphans out
of work-
house.

3. Nothing in this Act contained shall be held to re-enact the
ninth section of the Act twenty-five and twenty-six Victoria,
chapter eighty-three. Saving.

**Orphan and Deserted
Children (Ireland).**

A

B I L L

To amend the Law relating to the Relief
of Orphan and Deserted Children out
of Workhouses in Ireland.

(*Prepared and brought in by*
Mr. O'Shaughnessy, Mr. Downing, and
Major O'Gorman.)

Ordered, by The House of Commons, to be Printed,
10 June 1875.

[Bill 205.]
Under 1 oz.

Pacific Islanders Protection Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction of Act and short title.
 2. Amendment of 35 & 36 Vict. c. 19. s. 3. as to the carrying in British vessels of native labourers.
 3. Amendment of 35 & 36 Vict. c. 19. ss. 6. and 16. as to seizure of suspected British vessels.
 4. Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19. or this Act.
 - CLAUSE A. Adaptation of 35 & 36 Vict. c. 19. ss. 19 and 20. to this Act.
 5. Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean. Office of High Commissioner. Power to Her Majesty to erect a court of justice for British subjects in the islands of the Pacific. Power to make ordinances. High Commissioner to have powers of consular officer.
 6. Amendment of definitions in 35 & 36 Vict. c. 19.
 7. Alteration of forms.
 8. Proclamation of Act.
 9. Repeal of 35 & 36 Vict. c. 19. ss. 1, 18, and 21.
- SCHEDULE.
-

A
B I L L

INTITULED

An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intituled “An Act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean.” A.D. 1875.

[Note.—*The clause printed in red ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen (in this Act referred to as the principal Act) ; and the expression “this Act,” when used in the principal Act, shall be deemed to include this Act. Construction of Act and short title.
- 10 The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts, 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.
- 15 2. Whereas by section three of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a governor of one of the Australasian colonies or a British consular officer a license in the form contained in schedule B. to the said Act : Amendment of 35 & 36 Vict. c. 19. s. 3. as to the carrying in British vessels of native labourers.
- 20 officer a license in the form contained in schedule B. to the said Act :

And whereas such license does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connexion with

[Bill 182.]

A

A.D. 1875. the said vessel, and it is expedient to authorise the same: Be it therefore enacted as follows:

The license mentioned in sections three and five of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, and may for that purpose be in the form contained in the schedule to this Act, in lieu of the form contained in schedule B. to the principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, and if no manner or particulars are prescribed, shall be entered in the official log with particulars sufficient to identify such labourer.

Amendment
of 35 & 36
Vict. c. 19.
ss. 6. and 16.
as to seizure
of suspected
British
vessels.

3. Whereas by sections six and sixteen of the principal Act, provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows:

Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

Jurisdiction
of courts in
regard to
vessels,
goods, and
effects seized
under
35 & 36 Vict.
c. 19. or this
Act.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows:

The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the

detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such
 5 order as to costs as, subject to the provisions of the principal Act and this Act, the court may think just. A.D. 1875.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act (which sections
 10 relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the supreme court of any of the Australasian colonies, and further all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction
 15 under any other Act or otherwise.

Sections nineteen and twenty of the principal Act which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court
 20 of Admiralty of England, and to any such proceedings and award, either in that court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

CLAUSE A.
 Adaptation
 of 35 & 36
 Vict. c. 19.
 ss. 19 and 20.
 to this Act.

5. It shall be lawful for Her Majesty to exercise power and
 25 jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilised power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to
 30 create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority in Her name and on Her behalf, to make regulations for the government of Her subjects in such
 35 islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

Power for
 Her Majesty
 to exercise
 jurisdiction
 over British
 subjects in
 islands of
 the Pacific
 Ocean.
 Office of
 High Com-
 missioner.

It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty juris-
 40 diction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands

Power to
 Her Majesty
 to erect a
 court of jus-
 tice for
 British
 subjects in
 the islands of
 the Pacific.

A.D. 1875. — and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated 5 in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters 10 necessary for carrying out the provisions of such Order in Council.

Power to
make ordi-
nances.

It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, 15 as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

High Com-
missioner to
have powers
of consular
officer.

The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly 20 appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act 25 having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

Amendment
of definitions
in 35 & 36
Vict. c. 19.

6. Whereas by reason of the cession to Her Majesty of the colony 30 of Fiji, it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows:

The term "Australasian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the 35 Legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilised power. 40

Alteration
of forms.

7. The forms in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders

Protection Acts, 1872 and 1875, for the reference therein to the principal Act. A.D. 1875.

8. This Act shall be proclaimed in each Australasian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation. Proclamation of Act.

9. Sections one, eighteen, and twenty-one of the principal Act are hereby repealed, without prejudice to anything duly done or suffered in pursuance of those sections, or any right or liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed. Repeal of 35 & 36 Vict. c. 19. ss. 1, 18, and 21.

A.D. 1875.

SCHEDULE.

(Royal Arms.)

LICENCE for the Employment of Natives at Sea.

A.B., master of the , the vessel more particularly described below, having shown to my satisfaction that he is 5 engaged in the fishery [or industry or occupation, as the case may be,] of , in connection with such vessel, and having given the bond to Her Majesty required by the Pacific Islanders Protection Acts, 1872 and 1875, I [the Governor of the Colony of , or Her Majesty's Consul of , as 10 the case may be,] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or as the case may be] not more than native labourers from the day of 18 , to the day of 18 . 15

Should this vessel be found to answer the subjoined description and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment, employment, or landing of her 20 native hands.

This license shall not be transferable, and shall be available only for the period aforesaid.

DESCRIPTION of the Vessel above referred to.							
Tons (registered tonnage) -	-	-	-	-	-	-	25
Rig (i.e., ship, barque, brig, &c.) -	-	-	-	-	-	-	
How painted -	-	-	-	-	-	-	
Name painted on stern -	-	-	-	-	-	-	
Whether any poop -	-	-	-	-	-	-	
Whether any quarter galleries -	-	-	-	-	-	-	30
Whether a top-gallant forecastle -	-	-	-	-	-	-	
Name of chief officer -	-	-	-	-	-	-	
Number of officers and crew, including surgeon, if any -	-	-	-	-	-	-	
Bound from		to				, and intending to	
call at		and					35
Given under my hand and seal at this							
day of 18 .							

Governor or Consul,
[as the case may be].
(L.S.) 40

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.

Pacific Islanders
Protection. [H.L.]

A

BILL

INTITLED

An Act to amend the Act of the Session
of the thirty-fifth and thirty-sixth
years of the reign of Her present
Majesty, chapter nineteen, intituled
“An Act for the prevention and
“punishment of criminal outrages
“upon natives of the islands in the
“Pacific Ocean.”

(Brought from the Lords 13 May 1875.)

Ordered, by The House of Commons, to be Printed,
20 May 1875.

[Bill 182.]
Under 1 oz.

Pacific Islanders Protection Bill. [H.L.]

LORDS AMENDMENT TO COMMONS AMENDMENTS.

Page 4, line 21, at end of clause B. (Saving of rights of tribes),
add (“and a copy of every such Order in Council shall be laid
“ before each House of Parliament within thirty days after the issue
“ thereof, unless Parliament shall not then be in session, in which
“ case a copy shall be laid before each House of Parliament within
“ thirty days after the commencement of the next ensuing
“ session ”)

LORDS AMENDMENT TO COMMONS
AMENDMENTS.

Ordered, by The House of Commons, to be Printed,
23 July 1875.

[Bill 263.]

Under 1 oz.

A

B I L L

INTITULED

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867. A.D. 1875.

WHEREAS by section eighteen of the British North America Act, 1867, it is provided as follows: "The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof:" 30 & 31 Vict. c. 3

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers, or immunities; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Section eighteen of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed. Substitution of new section for 30 & 31 Vict. c. 3. s. 18.

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immuni-

[Bill 209.]

A.D. 1875. — ties, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

Confirmation
of Act of
Parliament
of Canada.
31 Vict.
c. 24.

2. The Act of the Parliament of Canada passed in the thirty-first 5
year of the reign of Her present Majesty, chapter twenty-four, inti-
tuled “An Act to provide for oaths to witnesses being administered
“ in certain cases for the purposes of either House of Parliament,”
shall be deemed to be valid, and to have been valid as from the
date at which the royal assent was given thereto by the Governor- 10
General of the Dominion of Canada.

Short title.

3. This Act may be cited as the Parliament of Canada Act,
1875.

Parliament of Canada. [H.L.]

A

B I L L

INTITULÉ

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867.

(*Brought from the Lords 10 June 1875.*)

*Ordered, by The House of Commons, to be Printed,
14 June 1875.*

[Bill 209.]

Under 1 oz.

Parliamentary Elections (Returning Officers) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Construction of Act.
2. Payments to returning officers.
3. Returning officer may require deposit or security.
4. The accounts of a returning officer may be taxed.
5. Taxation in Scotland.
6. Claims against a returning officer.
7. Use of ballot boxes, &c. provided for municipal elections.
8. Notices to be given by returning officers.
9. Saving of the universities.
10. Commencement and duration of Act.
11. Short title.

SCHEDULES.

A

B I L L

TO

Regulate the Expenses and to control the Charges of A.D. 1875.
Returning Officers at Parliamentary Elections.

WHEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act. Construction⁴
of Act.

10 This Act shall apply only to parliamentary elections.

2. The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the first schedule to this Act, in respect of services and expenses of the several kinds mentioned in the said schedule, which have been
15 properly rendered or incurred by him for the purposes of the election.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is nominated without
20 his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

A returning officer shall not be entitled to payment for any other services or expenses, or at any greater rates than as in the said
25 schedule mentioned, any law or usage to the contrary notwithstanding.

3. The returning officer, if he think fit, may, as herein-after provided, require security to be given for the charges which may become payable under the provisions of this Act in respect of any election.

Returning
officer may
require de-
posit or
security.

A.D. 1875. The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the third schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows, viz.,— 5

- (1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total 10 amount of the required security :
- (2.) Within *one hour* after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him : 15
- (3.) If in the case of any candidate security is not given, or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872 :
- (4.) A tender of security in respect of a candidate may be made by any person : 20
- (5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner :
- (6.) The balance (if any) of a deposit beyond the amount to 25 which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

The accounts of a returning officer may be taxed.

4. Within *twenty-one* days after the day on which the return is made of the persons elected at the election, the returning officer 30 shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in 35 respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, 40 or any agent of such person, to inspect and take copies of the vouchers.

The returning officer shall not be entitled to any charges which are not duly included in his account. A.D. 1875.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within *fourteen* days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

The court for the purposes of this Act shall be, in the city of London, the Lord Mayor's Court, and elsewhere in England, the County Court, in Ireland, the Civil Bill Court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

5. In Scotland the court for the purposes of this Act relating to the taxation and examination of accounts and claims shall be the Sheriff Court having jurisdiction at the place of nomination for the election to which the proceedings relate, but the taxation and examination shall be performed by a person to be appointed from time to time by a judge of the Court of Session; and such person shall, for the purposes of this section, have all the same powers as if he were the judge of the Sheriff Court, and his determination shall have effect and be enforced accordingly. Taxation in Scotland.

Regulations for the appointment of persons as aforesaid, and for prescribing the manner in which their duties are to be performed, and for fixing their remuneration, may from time to time be made, varied, and revoked by a majority of the judges of the Court of Session. The remuneration payable to any such person shall be deemed to be part of the costs of the taxation and examination, and shall be borne by such of the parties or claimants as he directs, subject to any regulations to be made as aforesaid.

6. Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of

Claims against a returning officer.

A.D. 1875. — election expenses, shall, within *fourteen* days after the day on which the return is made of the person or persons elected at the election; transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars. 5

Where application is made for taxation of the accounts of a returning officer, he may apply to the court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the court after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or 10 disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

Use of ballot boxes, &c. provided for municipal elections.

7. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so 15 far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

Notices to be given by returning officers.

8. There shall be added to every notice of election to be published 20 under the provisions of the Ballot Act, 1872, the notification contained in the Second Schedule to this Act with respect to claims against returning officers.

Saving of the universities.

9. Nothing in this Act shall apply to an election for any univer- 25 sity or combination of universities.

Commence- ment and duration of Act.

10. This Act shall come into operation on the *first day of October one thousand eight hundred and seventy-five*, and continue in force until the *thirty-first day of December one thousand eight hundred and eighty*, and no longer, unless Parliament shall otherwise 30 determine.

Short title.

11. This Act may be cited for all purposes as the "Parliamentary Elections (Returning Officers) Act, 1875."

SCHEDULES. A.D. 1875.

FIRST SCHEDULE.

CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the
5 returning officer, but the charges are in no case to exceed the sums
actually and necessarily paid or payable.

PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGHES.

*This Part of this Schedule applies to an election for a county, or for
either of the boroughs of Aylesbury, Cricklade, Monmouth, East
10 Retford, and New Shoreham, or for any borough or burgh
consisting of a combination of separate boroughs, burghs, or
towns.*

	£	s.	d.	
	2	2	0	
15 For preparing and publishing the notice of election	1	1	0	
For preparing and supplying the nomination papers	0	1	0	
For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.				
20 For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.				The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.
25 For constructing a polling station with its fittings and compartments.	7	7	0	
For each ballot box required to be purchased -	1	1	0	
For the use of each ballot box, when hired -	0	5	0	
For stationery at each polling station -	0	10	0	
30 For printing and providing ballot papers, per thousand	1	10	0	
For each stamping instrument -	0	10	0	
For copies of the register -				The sums payable by statute for the necessary copies,
35 For each presiding officer -	3	3	0	
[32.]	A	4		

For one clerk at each polling station where not more than 500 voters are assigned to such station.

For an additional clerk at a polling station for every number of 500 voters or fraction thereof beyond the first 500 assigned to such polling station.

For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.

For making the return to the clerk of the Crown -

For the preparation and publication of notices (other than the notice of election).

For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile.

For professional and other assistance in and about the conduct of the election.

For travelling expenses of presiding officers and clerks, per mile.

For services and expenses in relation to receiving and publishing accounts of election expenses in respect of each candidate.

For all other expenses

NOTE.—*Travelling expenses are not to be allowed in the case of any person unless* 45
for distances exceeding two miles from the place at which he resides.

PART II.—BOROUGHES.

A.D. 1875.

This Part of the Schedule applies to all boroughs not included in Part I. of this Schedule.

	£	s.	d.
5 For preparing and publishing the notice of election	2	2	0
For preparing and supplying the nomination papers	1	1	0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
10 For constructing a polling station, with its fittings and compartments, not exceeding two in number.	7	7	0
15 For each compartment required to be constructed, when more than two be used.	1	1	0
For the use of each compartment hired, when more than two are used.	0	5	0
For each ballot box required to be purchased -	1	1	0
20 For the use of each ballot box when hired -	0	5	0
For stationery at each polling station -	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument - - -	0	10	0
25 For copies of the register - - -	The sums payable by Statute for the necessary copies.		
For each presiding officer - - -	3	3	0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1	1	0
30 For an additional clerk at a polling station for every number of 500 voters, or fraction thereof, beyond the first 500 assigned to such station.	1	1	0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000 and one for every additional 2,000 electors.	1	1	0
35 For making the return to the clerk of the Crown -	1	1	0
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices 10 <i>l.</i> , and 1 <i>l.</i> for every additional 1,000 electors above 1,000.		
40			

A.D. 1875.

	£	s.	d.	
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding 20 <i>l.</i> , an additional 2 <i>l.</i> for every 1,000 registered electors or fraction thereof above 1,000 and up to 10,000 and 1 <i>l.</i> additional for every 1,000 or fraction thereof above 10,000. In an uncontested election <i>one-fifth</i> of the above sum.			5
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.				10
For all other expenses - - - - -	Not exceeding 10 <i>l.</i> , and an additional 1 <i>l.</i> for every 1,000 electors above the first 1,000.	1	1	0
				15
				20

NOTE TO PARTS I. and II. of SCHEDULE I.

The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.

SECOND SCHEDULE.

1. NOTIFICATION to be added to the NOTICE of ELECTION. 25

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1875, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publications of account of election expenses), shall, within *fourteen* days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars. 30

THIRD SCHEDULE.

A.D. 1875.

MAXIMUM Amount of SECURITY which may be required by a RETURNING OFFICER.

5		County or District of Contributory Borough.	Borough.
		£	£
10	Where the registered electors do not exceed 1,000 -	150	100
	Where the registered electors exceed 1,000 but do not exceed 2,000	200	150
	Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
	Where the registered electors exceed 4,000 but do not exceed 7,000.	400	300
15	Where the registered electors exceed 7,000 but do not exceed 10,000.	550	450
	Where the registered electors exceed 10,000 but do not exceed 15,000.	700	600
	Where the registered electors exceed 15,000 but do not exceed 20,000.	800	750
20	Where the registered electors exceed 20,000 but do not exceed 30,000.	1,000	900
	Where the registered electors exceed 30,000 -	1,200	1,200

25 If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is *one fifth* of the maximum according to the above scale.

Parliamentary Elections (Returning Officers).

A

B I L L

To regulate the Expenses and to control
the Charges of Returning Officers at
Parliamentary Elections.

(*Prepared and brought in by*
Sir Henry James and Sir William Harcourt.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 32.]

Under 2 oz.

A
B I L L

TO

Remove doubts as to the validity of Votes given at a Parliamentary Election to a candidate alleged to have been guilty of corrupt practices, and thereby disqualified from sitting in Parliament. A.D. 1875.

WHEREAS doubts have arisen as to whether votes given at a parliamentary election to a person alleged to be incapable of being elected to Parliament on the ground of having been guilty of bribery, treating, undue influence, or other corrupt practice should, in case such person be elected at such election to sit in Parliament and be afterwards unseated for having been guilty of corrupt practices, be deemed to be thrown away so as to entitle a person having received a lesser number of actual votes at such election to claim and obtain the seat as having been elected by a majority of good and legal votes, and it is expedient to remove such doubts:

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. No vote given to a candidate at a parliamentary election shall be deemed to be thrown away on the ground that the candidate was incapable of being elected to or sitting in Parliament in consequence of having been guilty of bribery, treating, undue influence, or other corrupt practice, unless previous to such election such candidate shall have been declared guilty of bribery, treating, undue influence, or other corrupt practice by an Election Judge or other court having competent jurisdiction in that behalf.

No vote to be invalidated on the ground of a candidate being guilty of corrupt practices, unless judicially so declared previous to election.

2. This Act may be cited for all purposes as "The Parliamentary Votes Act, 1875." Short title.

Parliamentary Elections (Validity of Votes).

A

B I L L

To remove doubts as to the validity of Votes given at a Parliamentary Election to a candidate alleged to have been guilty of corrupt practices, and thereby disqualified from sitting in Parliament.

*(Prepared and brought in by
Sir Colman O'Loughlen, Lord Francis Conyngham,
and Captain Nolan.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1875.*

[Bill 49.]

Under 1 oz.

A
B I L L

TO

Enable Peers of Ireland not being Lords of Parliament to be elected and returned and to sit in the House of Commons for Irish counties, cities, towns, and boroughs. A.D. 1875.
—

WHEREAS under the provisions of the existing law peers of Ireland not being Lords of Parliament are not disqualified by reason of their peerage from being elected or returned, or sitting in the House of Commons, for any county, county of a city, county of a town, city, town, or borough of Great Britain, but are disqualified from being elected or returned or sitting for any county, county of a city, county of a town, city, town, or borough in Ireland : Preamble.

And it is expedient that such latter-mentioned disqualification should be removed :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. The word "place" in this Act shall mean any county, county of a city, county of a town, city, town, borough, university, or other body, or any district or division now or hereafter returning a member or members to serve in the House of Commons. Interpre-
tation.

2. From and after the passing of this Act, any person holding any peerage of Ireland, now subsisting or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any place in Ireland, in the Commons of the United Kingdom, in the same manner to all intents and purposes as he may now be elected to serve, and may serve or continue to serve, for any place in Great Britain, unless he shall have been previously elected as a representative of the Peers of Ireland in the House of Lords of the United Kingdom. Irish peers
not to be
disqualified
for election
for Irish
places.

[Bill 170.]

A.D. 1875.

Peers while
members of
the House
of Commons
to be re-
garded as
commoners.

3. So long as any such peer of Ireland, so elected for an Irish place, shall continue to be a member of the House of Commons, he shall be in the same position with respect to his peerage as if he were serving for a place in England; that is to say, he shall not be entitled to the privilege of peerage nor be capable of being elected 5 to serve as a peer on the part of Ireland or of voting at any such election, and he shall be liable to be sued, indicted, proceeded against, and tried as a commoner for any offence with which he may be charged.

Parliamentary Seats, Peers of Ireland.

A

B I L L

To enable Peers of Ireland not being
Lords of Parliament to be elected and
returned and to sit in the House of
Commons for Irish counties, cities,
towns, and boroughs.

(*Prepared and brought in by*
Mr. Butt, Mr. Bryan, and Mr. Sullivan.)

Ordered, by The House of Commons, to be Printed,
13 May 1875.

[Bill 170.]

Under 1 oz.

Patents for Inventions Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

No.	Marginal Note.	Former enactments.*
<i>Preliminary.</i>		
1	Short title - - - - -	1852, s. 56.
2	Commencement of Act - - - - -	1852, s. 57.
3	Repeal of enactments in Schedule.	—
4	Interpretation - - - - -	1852, s. 55.
<i>Commissioners. Examiners. Referees.</i>		
5	Commissioners of Patents - - - - -	1852, s. 1.
6	Examiners and Assistant Examiners of Patents.	—
7	Referees for Patents.	—
<i>Application: Proceedings thereon.</i>		
8	Filing of application and specification, and of notice of opposition.	1852, ss. 6, 9, 11, 12.
9	Provisional protection - - - - -	1852, s. 8.
10	Reference to examiner.	—
11	Report of examiner.	—
12	Association of referee or referees with examiner.	—
13	Reference to and report by law officer - - - - -	1852, s. 8.
14	Notice to proceed - - - - -	1852, s. 12.
15	Preparation of patent and warrant - - - - -	1852, ss. 15, 18.
16	Petition against sealing.	—
17	Time for sealing - - - - -	1852, ss. 19, 20, 23.
18	Extent of patent - - - - -	1852, s. 18.
19	Power for Lord Chancellor to extend time in certain cases.	—
<i>Foreign and Colonial Inventions.</i>		
20	Conditions of patents for foreign and colonial inventions.	1852, s. 25.
<i>Foreign Vessels.</i>		
21	Foreign vessels in British waters - - - - -	1852, s. 26.
<i>Amendment.</i>		
22	Amendment of specification - - - - -	1835, s. 1. 1844, s. 5. 1852, ss. 8, 39.

* 1835=5 & 6 Will. 4. c. 83.
1839=2 & 3 Vict. c. 67.
1844=7 & 8 Vict. c. 69.
1852=15 & 16 Vict. c. 83.

1853, c. 5.=16 & 17 Vict. c. 5.
1853, c. 115.=16 & 17 Vict. c. 115.
1865=28 & 29 Vict. c. 3.
1870=33 & 34 Vict. c. 27.

No.	Marginal Note.	Former enactments.
<i>Revocation.</i>		
23	Petition for revocation instead of scire facias.	—
<i>Assignments. Licences.</i>		
24	Assignment for part of United Kingdom - - -	1852, s. 35.
25	Register of proprietors - - -	1852, s. 35.
26	Correction of register - - -	1852, s. 38.
<i>Use of Invention : Obligation to license.</i>		
27	Patent revocable if not used or licences not given.	—
<i>Prolongation.</i>		
28	Prolongation of patent - - -	1835, s. 4. 1839, s. 2. 1844, ss. 2-4.
<i>International, Industrial, and other Exhibitions.</i>		
29	Protection of inventions at exhibitions - -	1865, ss. 2, 3. 1870, ss. 2, 4.
<i>Fraud. Offences.</i>		
30	Patent to first inventor not invalidated by application in fraud of him.	1852, s. 10.
31	Falsification of entries in register - - -	1852, s. 37.
32	Penalty for unauthorized use of name of patentee, mark of word patent, &c.	1835, s. 7.
33	False declaration misdemeanour - - -	1852, s. 6. and schedule.
<i>Crown.</i>		
34	Patent to bind Crown.	—
<i>Procedure.</i>		
35	Costs of opposition - - -	1852, s. 14.
36	Hearing of petitions.	—
37	Dismissal of petition for want of interest.	—
38	No appeal on petition.	—
39	Costs on petition.	—
40	Particulars on petitions, declarations, &c. - -	1835, s. 5. 1852, s. 41.
41	Costs in actions for infringement - - -	1835, ss. 3, 6. 1852, s. 43.
42	Power for court of law to grant injunction, &c. -	1852, s. 42.
43	Attendance of expert.	—
44	Power for Lord Chancellor to make general orders.	—

No.	Marginal Note.	Former enactments.
<i>Commissioners. Patent Office.</i>		
45	Seal of commissioners - - - -	1852, s. 2.
46	Sealed copies to be received in evidence - -	1853, c. 115. s. 4.
CLAUSE A. Offices, clerks, and officers.		
47	Offices, clerks, and officers - - - -	1852, ss. 4, 5, 48.
48	General duties of examiners and assistants.	—
49	Power for commissioners to make general rules regulating details, business of office, &c.	1852, ss. 3, 29, 30, 32, 34.
50	Annual report of commissioners - - - -	1852, ss. 3, 51.
51	Quorum of commissioners - - - -	1852, s. 1.
<i>Stamps.</i>		
	CLAUSE B. Stamp duties in Schedule - -	1853, c. 5. s. 3.
	CLAUSE C. Periodical payment of stamp duties -	1853, c. 5. s. 2.
<i>Scotland.</i>		
52	Costs of opposition - - - -	1852, s. 14.
53	Saving for courts - - - -	1852, s. 43.
54	Proceedings for revocation of patent - -	1852, ss. 35, 43.
55	Recovery of penalty for unauthorized use of name, &c.	1835, s. 7.
<i>Ireland.</i>		
56	Reservation of remedies - - - -	1852, s. 29.
<i>Transitory Provisions.</i>		
57	Saving for effect of repeal and for rights accrued, existing patents, pending applications, &c.	—
58	Commissioners under former Acts to be deemed continued, &c.	—
<i>Savings.</i>		
59	Saving for powers of Lord Chancellor - -	1852, s. 15.
60	Reservation of powers to Crown - - - -	1852, s. 16.
61	Saving for prerogative - - - -	1852, s. 16.
SCHEDULES.		

A
B I L L

INTITULED

An Act for consolidating, with Amendments, the Acts relating to Letters Patent for Inventions. A.D. 1875

[NOTE.—*The clauses and words printed in red ink are proposed to be inserted in committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited as The Patents for Inventions Act, 1875. Short title.
[1852, s. 56.]

2. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December one thousand eight hundred and seventy-five, which time is in this Act referred to as the commencement of this Act. Commence-
ment of Act.
[1852, s. 57.]

3. The enactments described in the first Schedule to this Act are hereby repealed. Repeal of
enactments
in Schedule.

4. In this Act— Interpreta-
tion.
[1852, s. 55.]

15 “The Lord Chancellor” means the Lord High Chancellor of Great Britain for the time being, and includes the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the time being :

20 “The High Court” means Her Majesty's High Court of Justice in England or in Ireland :

“The Treasury” means the Commissioners of Her Majesty's Treasury, or two of them :

“The Law Officer” means Her Majesty's Attorney General or Solicitor General for England for the time being :

25 “Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within [Bill 133.]

A

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section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled An Act concerning Monopolies and Dispensations with Penal Laws and the Forfeiture thereof), and includes an alleged invention : 5

“ Patent ” means letters patent for an invention :

“ Patentee ” means the grantee of a patent, and includes his executors, administrators, and assigns :

“ Application ” means application for a patent :

“ Applicant ” means the person making application, and includes 10 his executors, administrators, and assigns :

“ Infringement ” means an infringement of the exclusive privilege of a patent :

“ Prescribed ” means prescribed by general orders or general 15 rules under this Act.

Provisions referring to the United Kingdom extend to the Channel Islands and the Isle of Man.

Commissioners. Examiners. Referees.

Commis-
sioners of
Patents.
[1852, s. 1.]

5. The Commissioners of Patents for Inventions (in this Act referred to as the commissioners) shall, from the passing of this 20 Act, be the Lord Chancellor, the Master of the Rolls, the two Law Officers, Her Majesty's Advocate and Solicitor General for Scotland, and Her Majesty's Attorney General and Solicitor General for Ireland, and such five other persons as Her Majesty, from time to time, by warrant under Her Royal Sign Manual, on the recom- 25 mendation, as regards two, of the Lord Chancellor, and, as regards the others, of the Board of Trade, thinks fit to appoint to be commissioners during Her Majesty's pleasure.

The commissioners shall have an office called the Patent Office.

Examiners
and Assis-
tant Exa-
miners of
Patents.

6. There shall, after the passing of this Act, be Examiners and 30 Assistant Examiners of Patents (in this Act referred to as the examiners and assistant examiners).

The number of the examiners shall be two, and the number of the assistant examiners shall be two or more, not exceeding four, as the Lord Chancellor, with the consent of the Treasury, from time 35 to time directs.

The examiners and assistant examiners shall be appointed by the Lord Chancellor by writing under his hand.

They shall be specially qualified for the office by legal or scientific knowledge.

The instrument of appointment in each case shall state that in the opinion of the Lord Chancellor the person appointed is so qualified. A.D. 1875.

7. There shall, after the passing of this Act, be Referees for Patents (in this Act referred to as the referees). Referees for Patents.

The referees shall be persons specially qualified for the duty by knowledge of manufactures, arts, or science.

- A list of referees shall be made by the Commissioners as soon as may be after the passing of this Act, and thereafter at the end of every successive period of two years.

The referees shall be distributed in panels according to their several qualifications.

Application : Proceedings thereon.

8. An application shall be made by the applicant filing at the Patent Office the prescribed form of application and declaration, and a specification, particularly describing and ascertaining the nature of the invention and in what manner it is to be performed. Filing of application and specification, and of notice of opposition. [1852, ss. 6, 9, 11, 12.]

Notice of the application shall be published.

- Any person having an interest in opposing the grant may within the prescribed time file notice of opposition, with particulars of his objections, and every person so filing a notice of opposition is in this Act referred to as an opponent.

9. The use and publication of the invention by the applicant, during a period of six months from the date of the application, shall not prejudice the grant of a patent for it (which protection from the consequences of use and publication is in this Act referred to as provisional protection). Provisional protection. [1852, s. 8.]

The commissioners may issue a certificate in the prescribed form, stating the application and provisional protection.

10. On the expiration of the prescribed time, the commissioners shall refer the application to an examiner. Reference to examiner.

The examiner shall be nominated to act in each case according to a fixed rotation which shall not be made public, or in the other mode prescribed (if any).

11. The examiner shall consider the application, specification, and relative documents, and shall report to the commissioners his opinion thereon, and especially with reference to the following questions: Report of examiner.

- (a.) Whether the invention is a proper subject for a patent within the Statute of Monopolies :

[133.]

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- (b.) Whether the specification is sufficient :
- (c.) Whether the invention appears open to objection on the ground of want of novelty, as far as can be ascertained by such examination as prescribed of former specifications and other documents and publications in the Patent Office: 5
- (d.) Whether the invention is in the nature, wholly or mainly, of a combination of known machinery, substances, or processes :
- (e.) Whether, regard being had to the last-mentioned consideration, or to the consideration that the invention is not of 10 great importance or utility, or for any other reason, it is expedient that the duration of the patent to be granted for it (if any) be limited to seven years : or
- (f.) Whether, by reason of the frivolous character of the invention, it is not worthy of a patent. 15

Association
of referee or
referees with
examiner.

12. In any case, as prescribed, there may be associated with the examiner a referee or two referees.

The referee or referees shall be nominated according to a fixed rotation, which shall not be made public, or in the other mode prescribed (if any). 20

Every referee before acting with respect to an application shall make a declaration, as prescribed, to the effect that he has no interest therein.

The referee or referees shall join with the examiner in considering the application, specification, and relative documents, and 25 in reporting thereon.

Reference to
and report by
law officer.
[1852, s. 8.]

13. After the report of the examiner, or of the examiner and referee or referees, the commissioners shall transmit to the law officer the application, specification, and relative documents and report. 30

The law officer shall consider the same, and may, if he thinks fit, hear the applicant and any opponent.

The law officer shall report to the commissioners his opinion whether a patent may be allowed for the invention or not, and if allowed, whether for seven years or for fourteen years. 35

The commissioners shall then make public the application, specification, and relative documents, and reports.

The reports shall be annexed to and shall always go with the specification.

Notice to
proceed.
[1852, s. 12.]

14. After the report of the law officer, the applicant may within 40 the prescribed time give notice at the Patent Office of his intention to proceed with his application.

If he does not so give notice, he shall be deemed to have abandoned the application, and it shall not be further proceeded on, and the provisional protection shall thereupon cease. A.D. 1875.

15 15. If the law officer has reported in favour of the application, the commissioners shall, on the notice to proceed, prepare and submit to the Lord Chancellor a patent, with a warrant for the sealing thereof. Preparation of patent and warrant. [1852, ss. 15, 18.]

10 If the law officer has reported against the application, the applicant may, after notice to proceed, petition the Lord Chancellor for the grant and sealing of a patent.

16. Any person may petition the Lord Chancellor against the sealing of a patent. Petition against sealing.

15 17. A patent shall not be sealed unless a request for the sealing thereof is made within three months from the date of the warrant, and within the period of provisional protection. Time for sealing. [1852, ss. 19, 20, 23.]

Every patent shall be sealed within seven days before the expiration of the provisional protection, and not sooner.

20 Every patent shall be dated the day of the application; but it shall not be competent for the patentee to take any proceeding in respect of an infringement committed before the publication by the commissioners of the application, specification, and relative documents and reports.

25 18. Every patent shall be sealed with the Great Seal of the United Kingdom, and shall have effect throughout the United Kingdom. Extent of patent. [1852, s. 18.]

19. Notwithstanding anything in this Act, an applicant may obtain, on petition to the Lord Chancellor, such extension of time as the Lord Chancellor thinks fit, in the cases and to the extent following: Power for Lord Chancellor to extend time in certain cases.

30 (1.) Extension of the period of provisional protection, so that it be not extended beyond twelve months in the whole from the date of the application: [1852, s. 20, 1853, c. 115, s. 6.]

(2.) Extension of the time within which a request for sealing is to be made:

35 (3.) Extension of the time within which the patent is to be sealed:

and in every such case every thing done or happening within the extended time shall be deemed to have been done or to have happened within the time originally allowed by this Act.

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Foreign and Colonial Inventions.

Conditions of
patents for
foreign and
colonial
inventions.
[1852, s. 25.]

20. Where the invention in respect of which an application is made was not first invented in the United Kingdom, or the applicant is resident out of the United Kingdom, or is a subject or citizen of a foreign state, wherever resident, the following provisions shall have effect :

- (1.) A patent shall not be granted after the expiration of a foreign patent for the invention, and, if so granted, shall be void :
- (2.) If at the time of the application there is a foreign patent for the invention in force, a patent shall not be granted unless the foreign patentee is the applicant, and his application is made within six months after the date of the foreign patent, or of the earliest foreign patent (if there are more than one) : 15
- (3.) The publication in the United Kingdom of the invention by the circulation or republication of the foreign patent, or of a specification connected therewith, shall not affect the validity of the patent :
- (4.) If at the time of the application there is not a foreign patent for the invention in force, a patent shall not be granted unless the applicant declares himself to be the first and true inventor, or declares and shows himself, as prescribed, to be entitled in law, by assignment or otherwise, to all the rights in respect of the invention of the first and true inventor ; and no patent shall be granted in respect of a communication from abroad : 25
- (5.) The patent shall cease on the cesser of the foreign patent (if any), or of such one of the foreign patents (if more than one) as first ceases. 30

For the purposes of this section, any grant of privilege for the monopoly or exclusive use or exercise of an invention in a foreign country shall be deemed a foreign patent.

The provisions of this section relating to a foreign patent shall extend and apply to a colonial patent (that is, a patent granted in any part of Her Majesty's dominions out of the United Kingdom). 35

Foreign Vessels.

Foreign
vessels in
British
waters.
[1852, s. 26.]

21. A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of Her Majesty's courts, or the use of an invention in a 40

foreign vessel within that jurisdiction, provided it is not used therein for the manufacture of any thing intended to be sold in or exported from Her Majesty's dominions. A.D. 1875.

But this section shall not extend to vessels of any foreign state in whose territories British subjects do not enjoy equal benefits in respect of the subject-matter of this section.

Amendment.

22. An applicant or a patentee may, by request filed at the Patent Office, seek leave to amend his specification by way of disclaimer, explanation, supplement, or otherwise, stating his reasons for the same. Amendment of specification.
[1835, s. 1.,
1844, s. 5.,
1852, ss. 8,
39.]

Where the request is made pending the application, it shall be proceeded on and dealt with as prescribed.

Where the request is made by a patentee, it shall be proceeded on and dealt with in all respects (as nearly as may be) as an application.

An amendment by way of supplement shall not be allowed unless the applicant or patentee declares himself to be the first and true inventor of the supplementary invention, or declares and shows himself, as prescribed, to be entitled in law, by assignment or otherwise, to all the rights in respect of the supplementary invention of the first and true inventor thereof, nor unless the supplementary invention is such as, if known at the date of the application for the original patent, might have been properly comprised in the specification on that application.

Where leave to amend otherwise than by way of supplement is granted, care shall be taken that any amendment be not allowed if it would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before the amendment.

An amendment shall not be admissible in evidence in a proceeding pending at the time of request for leave to amend, except a proceeding for revocation of the patent.

Where an amendment is allowed after the patent is sealed, no proceeding shall be taken in respect of an infringement committed before the amendment, unless leave to take such a proceeding is made part of the leave to amend.

Leave to amend otherwise than by way of supplement, and except in case of fraud, shall be conclusive as to the right of the party to amend.

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Petition for
revocation
instead of
scire facias.

Revocation.

23. The proceeding by scire facias to repeal a patent is hereby abolished.

A patent shall be liable to be revoked on petition to the Lord Chancellor on any ground on which a patent might at the 5 commencement of this Act be repealed on a proceeding by scire facias, and on any ground specified in this Act.

Assignments. Licences.

Assignment
for part of
United
Kingdom.
[1852, s. 35.]

24. A patentee may assign his patent for England, or for Scotland, or for Ireland, as effectually as if the patent were 10 originally granted to extend to England, or to Scotland, or to Ireland, only.

Register of
proprietors.
[1852, s. 35.]

25. There shall be kept at the Patent Office a book called The Register of Proprietors.

Until an entry of an assignment of or licence under a patent is 15 made in the register the original patentee shall be deemed to be the sole proprietor of the patent, and not to have granted any licence thereunder.

An entry in the register shall be proof of the assignment or licence or proprietorship, as therein expressed, until the contrary is 20 proved.

The register shall be open to public inspection.

Correction of
register.
[1852, s. 38.]

26. The High Court in England, or a judge thereof, may, at the instance of any person deeming himself aggrieved by any entry made under colour of this Act in the register of proprietors, make 25 such order for expunging or varying that entry, and with respect to the costs of the proceedings, as to the court or judge seems fit.

The entry shall be expunged or varied accordingly.

Use of Invention: Obligation to license.

Patent re-
vocable if
not used or
licences not
given.

27. A patent shall be liable, at any time after the expiration of 30 two years from its date, to be revoked on either of the following grounds:

(a.) That the patentee fails to use or put in practice the invention, by himself or his licensees, to a reasonable extent, within the United Kingdom, or to make due 35 efforts to secure the use or practice thereof there, proof of the contrary whereof shall lie on him:

(b.) That it is made to appear to the Lord Chancellor that, in order to ensure a proper supply to the public of articles

produced under the patent, or proper means for the use of the invention by the public, licences are necessary, and the patentee fails to grant licences to proper persons requesting the same, on terms which the Lord Chancellor, having regard to all the circumstances of the case, deems reasonable.

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Prolongation.

28. Where a patent is granted for seven years only, the patentee may, within the prescribed period before the end of that time, and not sooner, petition the Lord Chancellor for prolongation thereof.

Prolongation of patent.
[1835, s. 4.
1839, s. 2.
1844, ss. 2-4.]

The Lord Chancellor may thereupon, if he thinks fit, order that the patent be prolonged for such time not exceeding seven years from the end of the original term, and on such conditions, as he thinks fit, and the patent shall be deemed to be prolonged accordingly.

International, Industrial, and other Exhibitions.

29. Every exhibition of either of the kinds following shall be deemed a protected exhibition:

Protection of inventions at exhibitions.
[1865, ss. 2, 3.
1870, ss. 2, 4.]

Any of the international exhibitions of select works of fine and industrial art and scientific inventions held under the direction of Her Majesty's Commissioners for the exhibition of 1851:

Any international, industrial, or other exhibition which the Board of Trade on the request of any persons desirous of holding it certify as, in the judgment of the Board of Trade, likely to promote British art or industry, and to be beneficial to the mercantile or industrious classes of Her Majesty's subjects.

The exhibition of an invention at a protected exhibition, or the publication during the holding thereof of a description of an invention there exhibited, or the use of an invention for the purposes of the exhibition and within the place where it is held, or the use elsewhere by any person, without the consent of the true and first inventor, of an invention there exhibited, shall not prejudice the right of the exhibitor thereof, being the true and first inventor, to apply within six months from the time of the opening of the exhibition for a patent for the invention, or invalidate a patent granted for it on that application.

Fraud. Offences.

30. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him or by provisional [133.]

Patent to first inventor not invalidated by

B

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application
in fraud
of him.

[1852, s. 10.]

Falsification
of entries
in register.

[1852, s. 37.]

protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of that protection.

31. If any person makes or causes to be made a false entry in the register of proprietors, or a writing falsely purporting to be a copy of an entry therein, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

Penalty for
unauthor-
ized use of
name of
patentee,
mark of word
patent, &c.
[1835, s. 7.]

32. In each of the following cases—

10

- (1.) If any person writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks on any thing made, used, or sold by him, in respect whereof he has not a patent, the name, or any imitation of the name, of any other person who has a patent in respect thereof, without the leave in writing of the patentee; or
- (2.) If any person, on any such thing, not having been purchased from the patentee or some person who purchased it from or under the patentee, or not having had the licence or consent in writing of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks the word Patent, or the words Letters Patent, or any words of the like kind or meaning, with a view of imitating or counterfeiting the stamp mark or other device of the patentee, or in any other manner imitates or counterfeits the stamp mark or other device of the patentee:

Every such person shall for every such offence be liable to a penalty not exceeding fifty pounds, to be recovered by action or other proceeding or information in the High Court, *one half thereof to be paid to the Treasury, for the use of the public, and the other to the person who sues.*

False decla-
ration mis-
demeanour.
[1852, s. 6.
and sche-
dule.]

33. If any person wilfully and corruptly files or causes to be filed at the Patent Office any prescribed declaration, knowing it to be untrue in any material particular, he shall be guilty of a misdemeanour.

Crown.

Power to
bind Crown.

34. A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has as against a subject.

40

But the officers or commissioners administering any department of the service of the Crown may, by themselves, their agents, con-

tractors, or others, at any time after the application, use the invention for the service of the Crown, on terms to be, before or after the use thereof, agreed on, with the approval of the Treasury, between those officers or commissioners and the patentee, or, in
 5 default of such agreement, settled by the Treasury; and the use and publication of the invention under this section during the period of provisional protection shall not prejudice the grant of a patent for the invention.

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Procedure.

10 **35.** Where the law officer hears an opponent he may, if he thinks fit, direct by and to whom the costs of the hearing and proceedings connected therewith, or any part thereof, shall be paid, and how the amount thereof shall be ascertained.

Costs of opposition.
[1852, s. 14.]

If any costs so directed to be paid are not paid within four days
 15 after service of notice of the amount thereof so ascertained on the party liable to pay the same, the law officer may make an order under his hand for payment thereof, and his order may be made a rule of the High Court.

36. Every petition to the Lord Chancellor shall be heard by
 20 the Lord Chancellor, or by a judge of the High Court designated in that behalf.

Hearing of petitions.

The provisions of this Act referring to the Lord Chancellor in relation to a petition shall extend to the judge.

37. Any petition may be dismissed on the ground of the peti-
 25 tioner having no interest or no sufficient interest in the matter.

Dismissal of petition for want of interest.

38. No appeal shall lie from any determination or order of the Lord Chancellor in respect of or on a petition; but the Lord Chancellor may allow a rehearing of a petition in any case, if he thinks it just and expedient to do so.

No appeal on petition.

30 **39.** The Lord Chancellor shall have on all petitions full power to award costs to any party as he thinks just.

Costs on petition.

40. A petitioner against the sealing of a patent, or for the revocation of a patent, shall deliver with the petition particulars of the objections on which he relies.

35 In an action in the High Court for infringement the plaintiff shall deliver with his declaration particulars of the breaches complained of.

Particulars on petitions, declarations, &c.
[1835, s. 5,
1852, s. 41.]

The defendant on pleading thereto shall deliver with his pleas particulars of any objections on which he relies in support of his
 40 pleas.

In every case the particulars delivered shall comprise a statement of the places and manner at and in which the petitioner, plaintiff,

A.D. 1875. or defendant (as the case may be) alleges the acts or things on which he founds the objections to have been done or to have happened, or the breaches to have been committed, or the invention to have been, before the date of the patent, used or published.

At the hearing or trial no evidence shall be admitted in proof of any objection or alleged infringement of which particulars are not so delivered.

The particulars delivered may be from time to time amended, as prescribed.

Costs in
actions for
infringe-
ment.
[1835, ss. 3, 6.
1852, s. 43.]

41. On taxation of costs in an action in the High Court for infringement regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them respectively unless the same is certified by the judge before whom the action is tried to have been proved, or to have been reasonable and proper, without regard to the general costs of the cause. 15

The judge may certify that the validity of the patent came in question; and in that case, on or in any subsequent petition for revocation or action in the High Court for infringement, the respondent or the plaintiff, on obtaining a final order in his favour or judgment, shall have his full costs, charges, and expenses, as between solicitor and client, unless the judge hearing the petition or trying the action certifies that he ought not to have the same. 20

Power for
court of law
to grant
injunction,
&c.
[1852, s. 42.]

42. In an action in the High Court for infringement, the Court or a judge thereof, at the instance of the plaintiff or of the defendant, may make such order for an injunction, inspection, or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as to the court or judge seem just and expedient. 25

Attendance
of expert.

43. On a petition the Lord Chancellor, and in an action in the High Court for infringement the judge before whom it is tried, may, if he thinks fit, obtain the attendance and use the assistance of an expert (that is, of a person competent from his knowledge of manufactures, arts, or science, to advise and assist at the hearing or trial). 30

The remuneration of the expert shall be paid in the prescribed manner, and shall as between the parties be part of the costs of the proceedings. 35

Power for
Lord
Chancellor
to make
general
orders.

44. The Lord Chancellor may, from time to time, with the advice and assistance of the Master of the Rolls, make such general orders as he thinks fit for regulating the following matters, or any of them, and all matters connected therewith, under this Act: 40

The form and times and mode of proceeding in respect of matters brought before the law officer: A.D. 1875.

The form, and contents, and times and mode of presentation and of service, of petitions to the Lord Chancellor, and notices in proceedings thereon, and the periods within which the same must be prosecuted with effect:

The nature and amount of the security for costs to be given by petitioners and others on those petitions, by way of deposit or otherwise:

Generally the procedure on those petitions, and in respect of matters brought before the Lord Chancellor.

General orders may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act.

15 *Commissioners. Patent Office.*

45. The commissioners shall have a seal; and impressions thereof shall be judicially noticed and admitted in evidence.

Seal of commissioners.
[1852, s. 2.]

The Treasury shall provide proper buildings for the Patent Office and the purposes of this Act.

CLAUSE A.
Offices, clerks, and officers.

20 46. Copies or extracts, certified on behalf of and sealed with the seal of the commissioners, of or from records of patents, specifications, amendments, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Her Majesty's dominions, and in all proceedings, as the originals would be.

Sealed copies to be received in evidence.
[1853, c. 115. s. 4.]

The salaries of those clerks and officers, and of the examiners, shall be appointed by the Lord Chancellor, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.

30 47. The commissioners may from time to time after the passing of this Act, subject to the approval of the Treasury, appoint so many clerks and officers as the commissioners think fit, and may from time to time remove any of those clerks and officers.

Offices, clerks, and officers.
[1852, ss. 4, 5, 48.]

35 48. The examiners and assistant examiners shall perform in the Patent Office such duties in relation to the arranging, indexing, and abridging of specifications, and otherwise, as the commissioners direct.

General duties of examiners and assistants.

49. The commissioners may from time to time make such general rules and do such things as they think expedient, subject to the pro-

Power for commissioners to

- A.D. 1875. visions of this Act, for effecting the following purposes, or any of them, and for regulating all matters connected therewith :
- make general rules regulating details, business of office, &c.
[1852, s. 13.]
- For prescribing and regulating the form and contents of applications, specifications, drawings, declarations, notices, advertisements, caveats, objections, certificates, reports, amendments, warrants, patents, duplicates, and other documents and instruments, and of copies and extracts, and the times and mode of the making, filing, depositing, leaving, recording, registering, giving, noting, certifying, issuing, preserving, publishing, and inspecting of, and otherwise proceeding on and dealing with, the same or any of them, and the printing, lithographing, or writing of the same, or any of them : 5
- For prescribing and regulating the deposit of drawings and copies thereof, and of copies of specifications, and of models, in such cases as they think fit : 15
- For regulating the mode in which an examiner shall be nominated in each case :
- For regulating the cases in which a referee or referees shall be associated with an examiner, and the mode in which he or they shall be nominated in each instance : 20
- For regulating the proceedings by and before the examiners alone or with a referee or referees :
- For prescribing and regulating the functions and duties of the assistant examiners :
- [1852, ss. 29, 30.] For securing and regulating the opening to public inspection, and the publishing and selling of copies, at such prices and in such manner as the commissioners think fit, of specifications, drawings, amendments, and reports. 25
- [1852, s. 30.] For regulating the presentation of copies of their publications to public libraries and museums, literary and scientific bodies, and official authorities, in the United Kingdom, the colonies, and foreign countries : 30
- [1852, s. 32.] For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office : 35
- For establishing, subject to the approval of the Treasury, and opening to public inspection, a museum or collection of models of inventions and other objects relating to patents and to inventions :
- [1852, s. 34.] For keeping and opening to public inspection a record-book of patents, wherein shall be entered notes of all grants of patents, specifications, amendments, prolongations, revocations, 40

and expirations of patents, with the dates thereof, and other things affecting the validity of patents: A.D. 1875.

For regulating the entries in the register of proprietors:

For regulating, subject to the approval of the Treasury, the fees of referees and experts:

Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the commissioners. [1852, s. 3.]

General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act.

50. The commissioners shall cause a report respecting the execution by or under them of this Act to be laid annually before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made by them and for the time being in force, and an account of all fees, salaries, allowances, compensations, and other money received and paid under this Act. Annual report of commissioners. [1852, ss. 3, 51.]

51. All powers of the commissioners may be exercised by any three or more of them, save that the Lord Chancellor or the Master of the Rolls shall concur in the appointment or removal of any clerk or officer appointed or removed by the commissioners, and in the making of general rules made by the commissioners, and in the annual report of the commissioners. Quorum of commissioners. [1852, s. 1.]

Stamps.

25 There shall be paid to and for the use of the Crown, in respect of patents and other things described in the second Schedule to this Act, the duties in that schedule mentioned, and no others. CLAUSE B. Stamp duties in Schedule. [1853, c. 5. s. 3.]

Those duties shall be under the management of the Commissioners of Inland Revenue, and shall be deemed stamp duties within The Stamp Duties Management Act, 1870, and other Acts relating to stamp duties.

Any of the stamps may be adhesive, if the Treasury think fit.

35 A patent shall cease at the end of the third or seventh complete year reckoned from and after the day of its date, unless before the respective end thereof the patentee produces at the Patent Office evidence of payment of the duty then payable. CLAUSE C. Periodical payment of stamp duties. [1853, c. 5. s. 2.]

Scotland.

52. An order of the law officer for payment of costs may be recorded in the books of Council and Session in Scotland to the effect that execution may pass thereupon in common form. Costs of opposition. [1852, s. 14.]

A.D. 1875.

Saving for
courts.
[1852, s. 43.]

53. Nothing in this Act shall affect the jurisdiction and forms of process of the courts in Scotland in an action for infringement, or in any action or proceeding respecting a patent hitherto competent to those courts.

Proceedings
for revoca-
tion of
patent.
[1852, ss. 35,
43.]

54. Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of Her Majesty's Advocate, or at the instance of a party having interest with concurrence of Her Majesty's Advocate, which concurrence may be given on just cause shewn only.

Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

Recovery of
penalty for
unauthorized
use of name,
&c.
[1835, s. 7.]

55. Where a person is under this Act liable to a penalty in respect of the unauthorized use of a name, word, stamp, mark, or device, the same may be recovered by action, or other proceeding, or information, in the Court of Session in Scotland.

Ireland.

Reservation
of remedies.
[1852, s. 29.]

56. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

Transitory Provisions.

Saving for
effect of
repeal and
for rights
accrued, ex-
isting pa-
tents, pend-
ing applica-
tions, &c.

57. The repeal of enactments or any other thing in this Act shall not—

Affect the past operation of any of those enactments, or any letters patent granted, or any appointment made, or compensation granted, or any order or direction made or given, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act:

Interfere with the institution or prosecution of any action, suit, or proceeding, civil or criminal, in respect thereof:

Take away or abridge any protection or benefit in relation thereto.

Those enactments shall, notwithstanding anything in this Act, continue to operate as if this Act had not been passed, with reference to all patents existing at the commencement of this Act, and to all applications for patents made before the commencement of this Act, and to all patents to be granted on those applications.

Nothing in this Act shall, unless it is in any case otherwise expressed, apply to any patent with reference to which those enactments so continue to operate.

58. For the purposes of proceedings taken or continued after the commencement of this Act under any enactments repealed by this Act, the commissioners under this Act shall be deemed to be the same body as the commissioners under any of those
5 enactments.

A.D. 1875.
Commissioners
under
former Acts
to be deemed
continued,
&c.

The registers of proprietors and of patents kept under any of those enactments shall respectively be deemed parts of the same books as the register of proprietors and record-book of patents under this Act.

10

Savings.

59. Notwithstanding anything in this Act, the Lord Chancellor shall have and may exercise such powers, authorities, and discretion in respect of a warrant for the sealing of a patent, and of the patent, as at the commencement of this Act he has and might
15 exercise in respect of a warrant for the issuing under the Great Seal of a patent, and in respect of the issuing of a patent on that warrant.

Saving for
powers of
Lord
Chancellor.
[1852, s. 15.]

60. It shall be lawful for Her Majesty the Queen, her heirs or successors, by warrant under the Royal Sign Manual—
20 To direct any specification to be cancelled before the sealing of the patent, and thereupon the provisional protection shall cease:

Reservation
of powers to
Crown.
[1852, s. 16.]

To direct the commissioners to withhold their warrant for the sealing of a patent:

To direct that a patent for the issuing whereof a warrant has
25 been sealed shall not issue:

To direct the insertion in any patent of any restrictions, conditions, or provisoes in addition to or in substitution for any restrictions, conditions, or provisoes that would otherwise be inserted therein.

61. Nothing in this Act shall take away, abridge, or pre-judicially affect the prerogative of the Crown in relation to the granting of any letters patent, or to the withholding of a grant thereof.
30

Saving for
prerogative.
[1852, s. 16.]

A.D. 1875.

SCHEDULES.

THE FIRST SCHEDULE.

Enactments repealed.

5 & 6 Will. 4. c. 83. - [10 September 1835.]	An Act to amend the Law touching Letters Patent for Inventions.	5
2 & 3 Vict. c. 67. - [24 August 1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled An Act to amend the Law touching Letters Patent for Inventions.	
7 & 8 Vict. c. 69. - [6 August 1844.] in part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled An Act for the better Administration of Justice in His Majesty's Privy Council, and to extend its jurisdiction and powers. } in part ; namely,—	10
	Sections two to seven both inclusive.	15
15 & 16 Vict. c. 83. - [1 July 1852.]	The Patent Law Amendment Act, 1852.	
16 & 17 Vict. c. 5. - [21 February 1853.]	An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the purchase for the public use of certain Indexes of Specifications.	20
16 & 17 Vict. c. 115. - [20 August 1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of Letters Patent and Specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.	25
22 Vict. c. 13. - [8 April 1859.]	An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.	30
28 & 29 Vict. c. 3. - [27 March 1865.] in part.	The Industrial Exhibitions Act, 1865, in part ; namely,— Section two as far the same relates to Patents, and section three.	
33 & 34 Vict. c. 27. - [14 July 1870.] in part.	The Protection of Inventions Act, 1870, in part ; namely,— Section two and section four as far as section four relates to Patents.	35

THE SECOND SCHEDULE.

A.D. 1875

Stamp Duties.

I.—PAYABLE BY APPLICANT AND PATENTEE.

a. Up to sealing.

		£	s.	d.	£	s.	d.
5	For application - - - - -	-	5	0	0		
	For certificate of record of notice to proceed -	-	5	0	0		
	For warrant - - - - -	-	5	0	0		
	For sealing - - - - -	-	5	0	0		
10	Further for sealing, if any amendment made before sealing - - - - -	-	5	0	0		
					25	0	0

b. Further within three years after patent.

	For patent - - - - -	-	50	0	0		
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15 *c. Further within seven years after patent.*

	For patent - - - - -	-	100	0	0		
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d. Further for amendment after patent.

	For certificate of request for leave to amend - -	-	5	0	0		
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II.—PAYABLE BY OPPONENT.

20	For certificate of record of notice of opposition -	-	2	0	0		
	For caveat against leave to amend -	-	2	0	0		

III.—MISCELLANEOUS.

	For certificate of entry of assignment or licence -	-	0	5	0		
	For certificate of search or inspection -	-	0	1	0		
25	For office copy of a document, for every seventy-two words - - - - -	-	0	0	2		

Patents for Inventions. [H.L.]

A

B I L L

INTITLED

An Act for consolidating, with Amendments, the Acts relating to Letters Patent for Inventions.

(*Brought from the Lords 15 April 1875.*)

*Ordered, by The House of Commons, to be Printed,
20 April 1875.*

[Bill 133.]

Under 3 02.

A

B I L L

TO

Amend and continue certain Acts for the Preservation of the A.D. 1875.
Peace in Ireland.

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the
5 first day of June one thousand eight hundred and seventy-five :

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled “An Act
10 “to extend and render more effectual for five years an Act passed
“in the fourth year of His late Majesty George the Fourth, to
“amend an Act passed in the fiftieth year of His Majesty George
“the Third, for preventing the administering and taking of unlawful
“oaths in Ireland,” as amended by the Act passed in the session of
15 Parliament held in the eleventh and twelfth years of the reign of
Her present Majesty, chapter seventy-nine, and continued by divers Acts, was continued and limited to expire on the first day of
December one thousand eight hundred and seventy-five :

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods :

20 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as “The Peace Preservation (Ireland) Short title.
25 Act, 1875.”

2. *From and after the passing of this Act* the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed :
30 Provided always, that such repeal shall not affect anything done or suffered, or any liability incurred under the enactments repealed.

Repeal of
certain parts
of Peace
Preservation
(Ireland)
Act, 1870.

[Bill 77.]

A

A.D. 1875.

Continuance
of Peace
Preservation
(Ireland)
Act, 1870,
subject to
amendments
and modifi-
cation.

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, and as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, shall continue in operation until the first day of June one thousand eight hundred end eighty.

Extension of
license to
have arms.

Where any licence to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licenses in such proclaimed district, if he shall think fit, by endorsement upon such license to authorise the person to whom such license has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement.

Powers of
persons act-
ing under
warrant to
seize arms.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant.

Punishment
for carrying
and having
arms con-
trary to law
reduced to
one year's
imprison-
ment.

Summary
proceedings
in certain
cases.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding *one year*.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing

A.D. 1875.

the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding *six calendar months*; and if they find the offence not proved, they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms 1 and 2 in the Schedule (C.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding *one month* may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

Where any presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon

Amendment of section 39 as to grand jury presentments for compensation.

A.D. 1875.

which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, 5 the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section conferred upon him with respect to appeals. 10

Continuance
of 2 & 3 Vict.
c. 74. as
amended by
11 & 12 Vict.
c. 89.

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled “ An Act to extend and render more effectual for five years an Act “ passed in the fourth year of His late Majesty George the Fourth, “ to amend an Act passed in the fiftieth year of His Majesty George 15 “ the Third, for preventing the administering and taking of unlawful “ oaths in Ireland,” as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine, shall continue in operation until the *first day of June one thousand eight hundred and 20 eighty*: Provided always, that the societies of Free Foresters and Oddfellows, and any court, lodge, or knot of such societies, shall be exempt from the provisions of the said first-mentioned Act in like manner in every respect and subject to the same conditions as Freemasons. 25

And the said Act shall be construed as if the exemptions therein contained had originally extended to Free Foresters and Oddfellows.

Continuance
of certain
parts of Pro-
tection of
Life and
Property
in certain
Parts of Ire-
land Act,
1871.

5. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Con- 30 tinuance Act, 1873, shall continue in operation until the *first day of June one thousand eight hundred and seventy-seven*.

A.D. 1875.

SCHEDULES.

SCHEDULE (A.)

Parts of Peace Preservation (Ireland) Act, 1870, repealed by foregoing Act:

5 Sections eight, ten, eighteen to thirty-seven, both inclusive.

Forms III., IV., V., VI., VIII., IX., X., in Schedule A. and
Schedule C.

SCHEDULE (B.)

Principal Act (11 & 12 Vict. c. 2.) ss. 9 and 12; Peace Preserva-
10 tion (Ireland) Act, 1870, sec. 6.

SCHEDULE (C.)

FORM (I.)

Conviction.

15 to wit. } BE it remembered, that on the _____ day of _____
in the year of our Lord _____, at _____
in the said [county], *A.B.*, being charged before us
the undersigned _____ of Her Majesty's justices of the peace
for the said [county], is convicted before us, for that [he the said
A.B., &c., *stating the offence, and the time and place when and*
20 *where committed*]; and we adjudge the said *A.B.* for his said
offence to be imprisoned in the [gaol] at _____ in the
said [county], for the space of _____

Given under our hands and seals, the day and year first above mentioned, at _____ in the [county] aforesaid.

25 *J.S.* (L.S.)
H.M. (L.S.)

A.D. 1875.

FORM (II.)

Certificate of Dismissal.

to wit. } WE of Her Majesty's justices of the peace for the
[county] of certify, That on the
day of in the year of our Lord at 5
in the said [county] *A.B.* being charged before us, for that [he the
said *A.B.*, *stating the offence charged, and the time and place when
and where alleged to be committed*], we did, having summarily
adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of 10
at in the [county] aforesaid.

J.S. (L.S.)

H.M. (L.S.)

Peace Preservation
(Ireland).

A

B I L L

To amend and continue certain Acts
for the Preservation of the Peace in
Ireland.

(Prepared and brought in by
*Sir. Michael Hicks Beach and Mr. Solicitor
General for Ireland.*)

Ordered, by The House of Commons, to be Printed,
1 March 1875.

[Bill 77.]

Under 1 oz.

Peace Preservation (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act.
2. Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.
3. Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modification. Extension of license to have arms. Powers of persons acting under warrant to seize arms. Punishment for carrying and having arms contrary to law reduced to one year's imprisonment. Summary proceedings in certain cases. Amendment of section 39 as to grand jury presentments for compensation.
4. Continuance of 2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89.
5. Continuance of certain parts of Protection of Life and Property in certain parts of Ireland Act, 1871.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE];

TO

Amend and continue certain Acts for the Preservation of the A.D. 1875.
Peace in Ireland.

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the
5 first day of June one thousand eight hundred and seventy-five :

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled “An Act
“ to extend and render more effectual for five years an Act passed
10 “ in the fourth year of His late Majesty George the Fourth, to
“ amend an Act passed in the fiftieth year of His Majesty George
“ the Third, for preventing the administering and taking of unlawful
“ oaths in Ireland,” as amended by the Act passed in the session of
Parliament held in the eleventh and twelfth years of the reign of
15 Her present Majesty, chapter eighty-nine, and continued by divers Acts, was continued and limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five :

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods :

20 And whereas various persons have, by reason of neglect or otherwise, not complied with the directions contained in the second section of the said Act of the second and third years of the reign of Her present Majesty :

Be it therefore enacted by the Queen’s most Excellent Majesty,
25 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as “The Peace Preservation (Ireland) Act, 1875.” Short title.

[Bill 154.]

A

A.D. 1875.

Repeal of
certain parts
of Peace
Preservation
(Ireland)
Act, 1870.

Continuance
of Peace
Preservation
(Ireland)
Act, 1870,
subject to
amendments
and modifi-
cation.

Extension of
licence to
have arms.

Powers of
persons act-
ing under
warrant to
seize arms.

2. From and after the passing of this Act the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed: Provided always, that such repeal shall not affect anything done or suffered, or any liability incurred under the enactments repealed. 5

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, and as continued by the 10 Peace Preservation (Ireland) Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, shall continue in operation 15 until the first day of June one thousand eight hundred and eighty.

Where any licence to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licenses in such proclaimed district, if he shall think fit, by endorsement upon 20 such license to authorise the person to whom such license has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement. The person appointed to grant licences 25 to have or carry arms in any district shall be bound to grant a licence to have arms or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, to any person resident within the district who shall produce to him a certificate, signed by two justices of the peace for the 30 county residing within the same petty sessions district as the person producing such certificate, that he is a fit and proper person to have such licence respectively. Every person appointed to grant licences under this Act shall keep a list of the names and residences of all persons applying for such licences, and 35 shall on the first day of every year deposit with the clerk of the peace of the county a copy of such list, adding thereto to the name of each applicant a statement showing whether the licence has been granted or refused, specifying also the nature of the licence applied for, and the nature of the licence, if 40 any, granted, which list shall be kept by the clerk of the peace among the records of the county.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is

directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time between sunrise and sunset, in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant: Provided always, that such warrant shall not be executed except in the presence and under the direction of some person to whom such warrant is directed by name, and who is specially named therein.

A.D. 1875.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding one year.

Punishment
for carrying
and having
arms con-
trary to law
reduced to
one year's
imprison-
ment.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, and if the person so charged shall himself desire it, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned for any period not exceeding three calendar months; and if they find the offence not proved, they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms 1 and 2 in the Schedule (C.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any

Summary
proceedings
in certain
cases.

A.D. 1875.

punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

5

In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding one month may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

15

Amendment
of section 39
as to grand
jury present-
ments for compensa-
tion.

Where any presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section conferred upon him with respect to appeals.

35

Continuance
of 2 & 3 Vict.
c. 74. as
amended by
11 & 12 Vict.
c. 89.

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled

“ An Act to extend and render more effectual for five years an Act passed in the fourth year of His late Majesty George the Fourth,

“ to amend an Act passed in the fiftieth year of His Majesty George

40

“ the Third, for preventing the administering and taking of unlawful oaths in Ireland,” as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of

A.D. 1875.

Her present Majesty, chapter eighty-nine, shall continue in operation until the first day of June one thousand eight hundred and eighty; but the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating friendly societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which directly and immediately relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof; provided that the trustees or other officers of the society, when required under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society, and in default thereof the provisions of the said Acts shall be in force in respect of such society: Provided always, that all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which, according to the rules and usage of the said society, are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, that if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.

5. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall continue in operation until the first day of June one thousand eight hundred and seventy-seven.

References

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Sections eight, ten, eighteen to thirty-seven, both inclusive. 5
Forms III., IV., V., VI., VIII., IX., X., in Schedule A. and
Schedule C.

10

[illegible]

Conviction.

to wit. } BE it remembered, that on the day of
in the year of our Lord , at 15
in the said [county], *A.B.*, being charged before us
the undersigned of Her Majesty's justices of the peace
for the said [county], is convicted before us, for that [he the said
A.B., &c., *stating the offence, and the time and place when and
where committed*]; and we adjudge the said *A.B.* for his said 20
offence to be imprisoned in the [gaol] at in the
said [county], for the space of

Given under our hands and seals, the day and year first above mentioned, at _____ in the [county] aforesaid.

J.S. (L.S.) 25
H.M. (L.S.)

FORM (II.)

Certificate of Dismissal.

to wit. } WE of Her Majesty's justices of the peace for the
5 day of [county] of certify, That on the
in the year of our Lord at
in the said [county] *A.B.* being charged before us, for that [he the
said *A.B.*, *stating the offence charged, and the time and place when
and where alleged to be committed*], we did, having summarily
adjudicated thereon, dismiss the said charge.

10 Given under our hands and seals, this day of
at in the [county] aforesaid.

J.S. (L.S.)*H.M.* (L.S.)

Peace Preservation (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend and continue certain Acts
for the Preservation of the Peace in
Ireland.

(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
6 May 1875.

[Bill 154.]
Under 2 oz.

Permissive Prohibitory Liquor Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Adoption of this Act. On requisition of ratepayers, notice of time of voting to be given.
2. Qualification of voters.
3. Mode of voting.
4. Collection of votes.
5. Examination of votes, and declaration of result. Two thirds majority required.
6. Penalties for fabricating voting papers.
7. Notice of the adoption of Act, and its immediate operation.
8. After vote against the adoption of the Act, one year to intervene before another vote be taken.
9. Ratepayers to have power to reconsider the adoption of this Act.
10. Prohibition of common sale.
11. Interpretation clause.

SCHEDULE.

A

B I L L

TO

Enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts. A.D. 1875.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented :

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. At any time from and after the *passing of this Act* it shall be lawful for or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough or the overseers of the poor of such parish to take the votes of the ratepayers of such municipal borough or parish respectively as to the propriety of bringing into operation therein the provisions of this Act; and the mayor or overseers as aforesaid, within days of receiving such requisition, shall cause a public notice to be affixed on or near to the town hall of such borough, and on or near to the outer and principal door of every church or chapel within such borough or parish, and shall also cause notice to be inserted in some newspaper published in such borough or parish, or, if there be none so published, in some newspaper published in the county in which such borough or parish is situate, specifying on what day, not earlier than days after the publication

Adoption of this Act.

On requisition of ratepayers, notice of time of voting to be given.

[Bill 19.] A 2

A.D. 1875. of the said notices, the ratepayers of such borough or parish are required to signify their votes for or against the adoption of this Act.

Qualifica-
tion of
voters.

2. Every person who is rated to the relief of the poor or entitled to vote in the election of guardians of the poor for the borough or 5 parish in which the votes are to be taken shall be entitled to one vote for or against the adoption of this Act.

Mode of
voting.

3. The mayor of such borough or the overseers of such parish shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared, and shall, *three days* 10 before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall upon the voting paper so delivered signify by writing the word yes or no upon the said paper, and by signing his name thereto, whether he votes for or against 15 the adoption of this Act; provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall fill up the voting paper in the presence of the voter, and shall attest and write the name of the voter upon the same. 20

Collection
of votes.

4. The mayor of such borough or the overseers of such parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the 25 residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose; provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said mayor or overseers, be entitled to receive a 30 voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver 35 the same to the said mayor or overseers before twelve at noon on the day following the day of voting.

Examina-
tion of votes,
and declara-
tion of re-
sult.

5. The mayor of such borough or the overseers of such parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare as here- 40 after mentioned whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or

non-adoption of this Act within such borough or parish shall depend on such majority of votes; provided always, that this Act shall not be adopted within such borough or parish unless at least *two thirds* of the aggregate number of votes so given as aforesaid be in favour thereof.

A.D. 1875.

Two thirds majority required.

6. If any person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under false pretences of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding *three months*, with or without hard labour.

Penalties for fabricating voting papers.

7. The mayor of such borough or the overseers of such parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town hall in such borough, and to the outer and principal doors of every church and chapel in such borough or parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the clerk to the justices acting in and for such borough, or for the district or division in which such borough or parish is situated, a certificate in writing of the adoption of the Act, to be by the said clerk recorded and preserved, which certificate, or a copy thereof, certified by the said clerk of the justices, shall be conclusive evidence in any proceedings under or by virtue of this Act that this Act was duly adopted within the said borough or parish.

Notice of the adoption of Act, and its immediate operation.

8. If the ratepayers of any such borough or parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within *one year* after such determination, again to take the votes of the ratepayers of such borough or parish as to the propriety of bringing into operation therein the provisions of the said Act.

After vote against the adoption of the Act, one year to intervene before another vote be taken.

9. If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of *three years* from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again to take the votes of the ratepayers of the borough or parish, in like manner as herein-before provided for the adoption of this Act, and

Ratepayers to have power to reconsider the adoption of this Act.

A.D. 1875. the continuance or otherwise of the operation of this Act within such borough or parish shall be determined by a majority of the votes so given.

Prohibition
of common
sale.

10. From and after the time limited for the commencement of this Act in any borough or parish, as herein-before provided, no license whatever shall be granted or renewed for the sale of alcoholic liquor within such borough or parish; and any person selling or disposing of any alcoholic liquor within such borough or parish shall be dealt with as selling without license, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act; provided nevertheless, that nothing herein contained shall affect any rights or privilege conferred or enjoyed by virtue of any license current or in force at the commencement of this Act during its said currency, and that nothing herein contained shall be held to affect any sales made under the provisions of any statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom.

Interpreta-
tion clause.

11. In the construction of this Act the following words and expressions shall have the following meanings assigned to them respectively: "municipal borough" shall mean city, borough, burgh, or any corporate town; "parish" shall mean any parish, township, village, tithing, extra-parochial place, or place maintaining its own poor; "mayor" shall mean also provost, high constable, high bailiff, baron bailie, or other chief officer of any city or borough; "overseers of the poor" shall mean any persons authorised and required to make and collect the rates for the relief of the poor, and acting as overseers of the poor; "alcoholic liquor" shall include all spirituous liquors, wine, ale, beer, cyder, perry, and every description of intoxicating liquors.

SCHEDULE.

A.D. 1875.

FORM (A.)

Voting Paper.

5 An Act to enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within these Districts.

A requisition signed by _____ ratepayers of this
having been presented to me, requesting me to take the votes of those
duly qualified according to the terms of the Act, you are hereby required
to signify your vote for or against the adoption of this Act, thus:—

10 _____	In favour of.	Against.
Do you vote in favour of or against the adoption of this Act in this _____?		

John Smith,
of 26, High Street.

15 *N.B.*—The ratepayer will write “yes” or “no” under the heading “in favour” or “against,” according as he votes for or against the adoption of the Act. He is also required to subscribe his name and address at full length. If a voter cannot write, he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials
20 of the voter against his mark. This paper will be collected on the _____ of _____ between the hours of _____ and _____.

Take notice.—If any person wilfully commits any of the acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins, any voting paper, or personates any person entitled to vote in
25 pursuance of this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for
30 any period not exceeding *three months*, with or without hard labour.

(Signed by the mayor or overseer.)

Permissive Prohibitory Liquor.

A

B I L L

To enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

(*Prepared and brought in by*
Sir Wilfrid Lawson, Sir Thomas Bosley,
Mr. Downing, Mr. Richard, Dr. Cameron,
Mr. Dalway, and Mr. William Johnston.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 19.]

Under 1 oz.

Petty Sessions Courts (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Election of union justices.
 2. Mode of election.
 3. Persons entitled to vote.
 4. Person elected to be justice of the peace.
 5. To be approved of by Lord Chancellor.
 6. New election if Lord Chancellor disapproves.
 7. Justice to hold office for five years, and to be removeable by Lord Chancellor.
 8. Vacancies to be filled by new election.
 9. Powers of Lord Chancellor may be exercised by persons having custody of Great Seal.
 10. The clerk of the union to assist in carrying out the Act.
 11. Election expenses to be paid out of rates of union.
 12. Short title of Act.
-

A

B I L L

FOR

The better Administration of Justice at Petty Sessions Courts A.D. 1875.
in Ireland.

WHEREAS it is expedient to make further provision for Preamble.
the participation of elected magistrates in the administra-
tion of justice in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. On the *first day of November* next the ratepayers of each Election of
and every poor law union in Ireland shall elect, in manner herein- union jus-
10 after mentioned, a fit and proper person to fill the office of union tices.
justice for the same union.

2. The election shall be ballot, and shall be held by the chairman, Mode of
or in his absence the vice-chairman of the board of guardians, or election.
in the absence of both, by such other person as the board of guar-
15 dians may appoint; it shall take place in the board room or some
other room of the building in which the board of guardians
usually meet, and all the provisions of the Ballot Act relating to
municipal elections shall apply to elections under this Act.

3. The persons entitled to vote at such election shall be the Persons
20 same persons as those entitled to vote at the election of poor law entitled to
guardians in the several electoral districts. vote.

4. The person so elected to be union justice, upon being approved Person
of as herein-after mentioned, and upon taking the oaths required elected to
by law, shall have and exercise all the powers and privileges of a be justice of
25 justice of the peace for each and every county in which any part of the peace.
the union for which he is elected is situated.

5. Immediately after the election the person acting as returning To be ap-
officer shall transmit to the Lord Chancellor of Ireland the name proved of
[Bill 138.] A Chancellor.

A.D. 1875. of the person so elected, and if the Lord Chancellor shall approve of him he shall cause the usual authority to be given for the administration of the oaths required by law to be taken by justices of the peace.

New election if Lord Chancellor disapproves.

6. It shall be lawful for the Lord Chancellor, within one month 5 after the name is transmitted to him, to disapprove of such election, and to notify such disapproval to the chairman of the board of guardians, and thereupon the chairman, or in his absence the vice-chairman, or in the absence of both some other person appointed by the board of guardians shall, within one fortnight, proceed to 10 hold a new election, giving one week's notice of same, and the ratepayers shall then proceed in manner before mentioned to elect some other person to be submitted in like manner to the Lord Chancellor, and all the provisions herein enacted relating to the 1 first election and the person elected shall apply to any subsequent 15 election.

Justice to hold office for five years, and to be removable by Lord Chancellor.

7. The person so elected shall continue to hold office for five years and no longer, and so long as he continues to hold such office his name shall be included in every commission of the peace to be issued for the county in which he is entitled to act as justice: 20 Provided always, that it shall be lawful for the Lord Chancellor to remove such person from the commission of the peace in the same manner to all intents and purposes as any other justice may be removed, and upon such removal his office of union justice shall be deemed to be vacant. 25

Vacancies to be filled by new election.

8. Whenever a vacancy shall take place in the office of union justice by the death, incapacity, resignation, or removal of such union justice, or by the efflux of time, the chairman, or in his absence the vice-chairman of the board of guardians shall, within one month after such vacancy, proceed to hold a new election of a 30 person to fill such office, giving one week's notice of same, and every such election and the person elected thereat shall be subject in all respects to the same rules, regulations, and provisions as are herein-before enacted with reference to the first election under this Act. 35

Powers of Lord Chancellor may be exercised by persons having custody of Great Seal.

9. All the powers and duties conferred herein upon the Lord Chancellor of Ireland shall and may be exercised by the Lord Keeper, Lords Commissioners, or other person or persons having at any time the custody of the Great Seal.

The clerk of the union to assist in carrying out the Act.

10. The clerk of each union to get the sum of five pounds for 40 conducting each election, and the poor rate collectors one pound each for assisting said clerk.

[38 Vict.]	<i>Petty Sessions Courts (Ireland).</i>	3 A.D. 1875.
11. The expenses incurred by the returning officer in carrying out any election under this Act shall be defrayed by the board of guardians out of the rates of the union at large.		Election expenses to be paid out of rates of union.
12. This Act may for all purposes be cited as the Union Justices (Ireland) Act, 1875.		Short title of Act.

Petty Sessions Courts (Ireland).

A

B I L L

For the better Administration of Justice
at Petty Sessions Courts in Ireland.

*(Prepared and brought in by
Mr. O'Sullivan, Captain Nolan, Mr. French,
and Mr. Ronayne.)*

*Ordered, by The House of Commons, to be Printed,
23 April 1875.*

[Bill 138.]

Under 1 oz.

Pharmacy Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

2. Pharmaceutical Society of Ireland constituted and incorporated.
3. Members of Pharmaceutical Society of Ireland.
4. Persons who may be elected members of Pharmaceutical Society and of the council.
5. Term of office of president and vice-president.
6. Rotation.
7. Manner of making the rotation list.
8. Retiring members eligible to be re-elected.
9. Occasional vacancies.
10. Elections.
11. Proceedings at meetings of council.
12. First meeting. Regulations for execution of Act.

General Provisions.

13. Following provisions not to take effect until approval of regulations.
14. Appointment of registrar and treasurer.
15. Examination.
16. Persons entitled to be registered under this Act.
17. Fees for examination, license, and registration.
18. Persons registered as pharmaceutical chemists in Ireland entitled to be registered as such in England.
19. Register of pharmaceutical chemists.
20. Duty of registrar to make and keep register.
21. Evidence of qualification to be given before registration.

[Bill 175.]

Clause.

22. Annual register to be published, and to be evidence.
23. Penalty on wilful falsification of register, or for obtaining registration by false representation.
24. Notice of death of pharmaceutical chemist to be given by registrars of deaths.
25. Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.
26. Reserving rights of certain persons.
27. Provision for continuation of business in case of death.
28. Registration not to entitle to practice of medicine, &c.
29. Power to Lord Lieutenant and Privy Council to erase names of persons from register.
30. Recovery and application of penalties.
31. Repeal of part of 31 Geo. 3. (Ir.) c. 34. s. 22.

SCHEDULE.

A
B I L L

TO

Institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists in Ireland, and to establish certain relations between the Pharmaceutical Societies of Great Britain and Ireland. A.D. 1875.

WHEREAS by an Act passed by the Parliament of Ireland in the thirty-first year of the reign of His Majesty George the third, intituled “An Act for the more effectually preserving the health of His Majesty’s subjects, for erecting an Apothecaries Hall in the city of Dublin, and regulating the profession of an Apothecary throughout the kingdom of Ireland,” (in this Act referred to as “the Act of 1791,”) it is enacted that no person shall open shop or practise the art and mystery of an apothecary within the kingdom of Ireland until he shall have been examined as to his qualification and knowledge of the business by the persons and in the manner by the said Act prescribed, and shall have received a certificate to open shop or follow the art and mystery of an apothecary within the kingdom of Ireland from the Governor and Directors of the Apothecaries Hall of the city of Dublin :

And whereas a great deficiency exists throughout Ireland of establishments and shops for the sale of medicines and compounding of prescriptions, and great inconvenience thereby arises to the public in many parts of the country :

And whereas to remedy such inconvenience it is expedient to amend the Act of 1791, and to enable persons who, although they do not desire to practise the art and mystery of an apothecary, desire and are qualified to open shop for the retailing, dispensing, and compounding of poisons and medical prescriptions, to keep open shop for the purposes aforesaid :

And whereas for the purposes aforesaid it is expedient that provisions such as are in this Act contained should be made for the formation of a Pharmaceutical Society in Ireland, and for the examination of persons desiring to keep open shop for the purposes aforesaid, and for the registration of such of the said persons as may be found, on examination, to possess a competent practical knowledge of pharmaceutical and general chemistry and other

[Bill 175.]

A

A.D. 1875. — branches of useful knowledge, as fit persons to keep open shop for the dispensing and compounding of prescriptions of duly qualified medical practitioners :

And whereas it is expedient that persons registered as pharmaceutical chemists in Great Britain should be entitled to be registered 5 as pharmaceutical chemists in Ireland, and that persons registered as pharmaceutical chemists in Ireland should be entitled to be registered as pharmaceutical chemists in Great Britain, and that with respect thereto provisions such as are in this Act contained should be made : 10

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as "The Pharmacy Act (Ireland), 15 1875."

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

Pharmaceutical Society of Ireland constituted and incorporated.

2. A society to be called "the Pharmaceutical Society of Ireland" shall be constituted as herein-after mentioned, and such society 20 shall by such name be a body corporate, and have perpetual succession and a common seal, and sue and be sued, and have power and authority to take, purchase, and hold land for the purposes of this Act.

Members of Pharmaceutical Society of Ireland.

3. The following persons, that is to say, A. B., C. D., E. F., and 25 all other persons who shall be qualified and elected in the manner prescribed by this Act shall be members of the Pharmaceutical Society of Ireland, and the said persons in this section specifically named as such members as aforesaid shall constitute and be the first council of the Pharmaceutical Society of Ireland. 30

There shall be a president and vice-president of the said Society, and the said A.B. shall be the first president and the said C.D. the first vice-president of the said council,

Persons who may be elected members of Pharmaceutical Society and of the council.

4. Every person who shall be registered under this Act as a pharmaceutical chemist shall be qualified to be elected as a member 35 of the said Pharmaceutical Society; and every person so registered and elected a member of the said Pharmaceutical Society shall be qualified to be elected, and when elected to act as a member of the council of the said Pharmaceutical Society.

Term of office of president

5. The persons by this Act named as president and vice- 40 president of the said council, and their successors in such offices

respectively, shall hold the office of president and vice-president respectively during such time as they shall continue to be members of the said council, and in case of any vacancy in the office of president or vice-president of the said council caused by such president or vice-president ceasing to be a member of the said council, or by the resignation or incapacity of any such president or vice-president, such vacancy shall be filled by the election of some member of the said council to fill such vacancy.

A.D. 1875.

and vice-president.

6. The members of the said council shall go out of office by rotation in the following manner; viz., on the first Monday of October in the year *one thousand eight hundred and seventy-six* one third of the members of such council shall go out of office, and on the first Monday of October in the following year another third of the members of such council shall go out of office, and on the first Monday of October in the following year the remainder of the members of such council shall go out of office; and on the first Monday of October in every subsequent year one third of the members of such council (being those who have been longest in office) shall go out of office; and in each instance the places of the retiring members of such council shall be supplied by the election by the members of the said Pharmaceutical Society on the first Monday of October in each year of a like number of their body to act as members of the said council in the place of the retiring members.

7. In order to determine the rotation by which the first members of the said council shall go out of office, the said council shall at their first meeting under this Act form a rotation list, and at such meeting the chairman shall write the names of all the members on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner, he shall put them into a ballot box, and shall in the presence of the meeting draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the chairman in a list in the order in which they are drawn; and every such list shall be kept among the papers of the said council, and the names therein shall be numbered consecutively, and the members of the said council shall retire from office in the order in which their names appear on such list, in the proportions in this Act mentioned.

Manner of making the rotation list.

8. Every member of the said council going out of office by rotation may be re-elected, and after such re-election he shall with reference to going out by rotation be considered as a new member.

Retiring members eligible to be re-elected.

A.D. 1875.

Occasional
vacancies.

9. If any extraordinary vacancy shall be occasioned in the said council the said council shall, on a day to be fixed by the chairman of the said council (such day not to be later than ten days after such vacancy) elect another person to supply such vacancy, and every person so elected shall continue a member of the said council 5 until the time at which the person in the room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election.

Elections.

10. Elections of members of the said council, and of president and vice-president thereof, under this Act, shall be held and the 10 voting and other proceedings in the case of a contest shall be conducted in the manner prescribed by regulations made in pursuance of this Act.

Proceedings
at meetings
of council.

11. At a meeting of the said council the president, or in his absence the vice-president, shall act as chairman, and in case the 15 president and vice-president shall both be absent, one of the members present shall be elected chairman by the majority present.

At all meetings of the said council the questions there considered shall be decided by a majority. In case of an equal division, the 20 chairman shall, in addition to his own vote, have a casting vote.

No business shall be transacted at any meeting of the said council unless members of the council be present, and all the powers under this Act vested in the council may be exercised by any 25 or more of the council present at any meeting of the council.

First
meeting.

12. The council of the said Pharmaceutical Society shall hold their first meeting within *six months* after the passing of this Act at such place in the city of Dublin, at such hour, and on such day as the Chief Secretary to the Lord Lieutenant of Ireland may respectively order and appoint, and they may adjourn such meeting from 30 time to time as shall seem fit, and at such first meeting, or some adjournment of the same, they shall make regulations with respect to the matters following :

Regulations
for execu-
tion of Act.

- (1.) The meetings and other proceedings of the said council ;
- (2.) The times at which and the subjects and modes in which 35 examinations under this Act are to be held and conducted ;
- (3.) The times at which and the mode in which elections of members of the said Pharmaceutical Society are to be held and conducted ;
- (4.) The mode in which elections of members of the council, and 40 of president and vice-president thereof, are to be held and conducted ;

A.D. 1875.

- (5.) The fees to be charged for examination, license, and registration under this Act, and the entrance fees and annual subscriptions to be paid by members of the said Pharmaceutical Society, and the application of the same, and of all moneys received by the treasurer under this Act ;
- 5 (6.) The duties of the registrar, treasurer, clerks, and other subordinate officers, and the manner in which the same shall be discharged, and the salaries to be paid to such officers respectively ; and
- 10 (7.) Generally for all such other matters as may be necessary for the due execution of this Act.

The said council may from time to time, at any meeting of the council held at any time after the expiration of six months after such first meeting, revoke or alter any such regulation, and make new regulations instead thereof or in addition thereto.

Every such regulation shall be subject to the approval of the Lord Lieutenant and Privy Council in Ireland, and shall be of no force or effect until the same shall be so approved, and notice of such approval shall be published in the Dublin Gazette.

20 All regulations made under the authority of this Act and approved as aforesaid shall be laid before both Houses of Parliament within twenty-one days after the same shall be made, if Parliament be sitting at such time, or if Parliament be not sitting, within twenty-one days after the commencement of the next session of Parliament

25 after the making thereof.

All such regulations when so approved shall be of the like force and effect as if they had been enacted in this Act.

General Provisions.

13. The following provisions of this Act shall not take effect until after the publication in the Dublin Gazette of the notice of the approval of the regulations made at the first meeting of the said council.

Following provisions not to take effect until approval of regulations.

14. The said council may from time to time appoint a fit and proper person as a registrar under this Act, and shall have power to remove any such registrar from the said office, and may also appoint and remove from time to time a treasurer, and such clerks and other subordinate officers as may be requisite for carrying out the purposes of this Act, and also to pay suitable salaries to the said registrar, treasurer, clerks, and officers.

Appointment of registrar and treasurer.

40 15. For the purpose of ascertaining the qualification of persons, not being persons registered as pharmaceutical chemists on the [175.]

Examination. 15 & 16 Vict. c. 56. s. 8.

A.D. 1875. register of pharmaceutical chemists for Great Britain, who may be desirous of keeping open shop for the retailing, dispensing, or compounding poisons or medical prescriptions and being registered as pharmaceutical chemists under this Act, the said council shall cause examinations to be held at such times and in such manner 5 as may be prescribed by regulations made in pursuance of this Act, and the said council shall appoint examiners to conduct the same: Provided always, that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Lord Lieutenant and Privy Council in Ireland, and 10 such appointment shall not in any case be in force for more than five years.

All persons desiring to be registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect 15 to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopœia, and of such other subjects as may from time to time be prescribed by any regulations made in pursuance 20 of this Act; but such examination shall not include the theory and practice of medicine, surgery, or midwifery, or any branch of medicine or surgery; and the examiners appointed by the council are hereby empowered to grant or refuse to such persons, as in their discretion may seem fit, certificates of competent 25 knowledge and qualification and skill to be registered as pharmaceutical chemists under this Act: Provided always, that in case of rejection a rejected candidate shall not present himself for re-examination until after six months after such rejection.

Persons
entitled to
be registered
under this
Act.
31 & 32 Vict.
c. 121. ss. 3
and 4.

16. Every person who shall be duly examined in the subjects 30 prescribed by this Act, and who shall be certified by the examiners to be qualified to act as a pharmaceutical chemist, and every person registered as a pharmaceutical chemist in the Register of Pharmaceutical Chemists for Great Britain, upon giving to the registrar such reasonable proof thereof as may be required under 35 any regulations made by the council of the Pharmaceutical Society for Ireland in that behalf, shall, upon payment of the proper fees and charges, be entitled to be registered under this Act as a pharmaceutical chemist.

Fees for
examination,
license, and
registration.

17. For every examination, license, and registration such reason- 40 able fees or charges shall be paid as shall from time to time be fixed and determined by any regulation or regulations to be made

by the said council in pursuance of this Act; provided always, A.D. 1875.
 that such fees or charges shall at all times be equal, as nearly as
 may be, to the fees fixed and determined for like purposes by any
 byelaw or byelaws made by the Pharmaceutical Society of Great
 5 Britain, and such fees shall be paid to the treasurer, and shall by
 him be applied to the purposes of this Act in manner prescribed
 by such regulations.

18. Every person registered as a pharmaceutical chemist on the
 register of Pharmaceutical Chemists for Ireland shall, upon giving
 10 to the Registrar of the Pharmaceutical Society of Great Britain
 such reasonable proof thereof as may be required under any regu-
 lations or orders made by the council of the Society in that behalf,
 and upon payment of the proper fees and charges, be entitled to
 be registered as a pharmaceutical chemist under the Act passed in
 15 the session of Parliament held in the fifteenth and sixteenth years
 of the reign of Her present Majesty, intituled "An Act for regu-
 lating the Qualifications of Pharmaceutical Chemists," and any Act
 amending the same, without being required to pass any further or
 other examination, and on such registration shall be entitled to all
 20 the rights and privileges and be subject to all the liabilities of
 pharmaceutical chemists under the said Acts.

19. The registrar to be appointed under or by virtue of this Act
 shall from time to time make out and maintain a complete list (to
 be called the "Register of Pharmaceutical Chemists for Ireland")
 25 of all persons registered as pharmaceutical chemists under this Act,
 and in such register the names shall be in alphabetical order
 according to the surnames, with the respective residences, in the
 form set forth in the schedule to this Act annexed, or to the like
 effect, and shall keep a proper index of such register, and all such
 30 other lists and books as may be required by the said council and
 as may be necessary for giving effect to the regulations of the said
 council and to the provisions of this Act.

20. It shall be the duty of the registrar to keep the said register
 corrected, and to erase the names of all registered persons as and
 35 when they shall die, and from time to time to make the necessary
 alterations in the addresses of the persons registered under this Act;
 and to enable the registrar duly to fulfil such duties, it shall be
 lawful for him to write a letter to any registered person, addressed
 to such person according to his address on the register, to inquire
 40 whether he has ceased to carry on business or has changed his
 residence, such letter to be forwarded by post as a registered letter,

Persons
 registered as
 pharmaceuti-
 cal chemists
 in Ireland
 entitled to be
 registered as
 such in Eng-
 land.

Register of
 pharma-
 ceutical
 chemists.
 31 & 32 Vict.
 c. 121. s. 6.

Duty of
 registrar to
 make and
 keep register.
 31 & 32 Vict
 c. 121. s. 10.

A.D. 1875. — according to the post office regulations for the time being, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner, and if no answer be given thereto within three months from date thereof it shall be lawful to erase 5 the name of such person from the register; provided always, that the same may be restored by direction of the said council, should they think fit to make an order to that effect.

Evidence of qualification to be given before registration. 31 & 32 Vict. c. 121. s. 12.

21. No name shall be entered in the said register, except of persons authorised by this Act to be registered, nor unless the 10 registrar be satisfied by the proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the said council; and any entry which shall be proved to the satisfaction of the said council to have been fraudulently or incorrectly made may be erased 15 from or amended in the register under an order in writing of the said council.

Annual register to be published, and to be evidence. 31 & 32 Vict. c. 121. s. 13.

22. The registrar shall, in the month of *January* in every year, cause to be printed, published, and sold correct copies of the register of pharmaceutical chemists in alphabetical order according 20 to the surnames; and a printed copy of such register for the time being in force, purporting to be so printed and published as aforesaid, or any extract therefrom, or from the original register, certified under the hand of the said registrar, and countersigned by the president or two members of the said council, shall be 25 evidence in all courts and in all proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy of the register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to 30 the provisions of this Act.

Penalty on wilful falsification of register, or for obtaining registration by false representation. 31 & 32 Vict. c. 121. s. 14.

23. Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said register, and any person who shall wilfully procure or attempt to procure him- 35 self to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not 40 exceeding *twelve months*.

24. Every registrar of deaths in Ireland, on receiving notice of the death of any person registered under this Act as a pharmaceutical chemist, shall forthwith transmit by post to the registrar under this Act a certificate, under his own hand, of such death, with the particulars of the time and place of death, and on receipt of such certificate the said registrar under this Act shall erase the name of such deceased pharmaceutical chemist from the register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

A.D. 1875.

Notice of death of pharmaceutical chemist, to be given by registrars of deaths.
31 & 32 Vict. c. 121. s. 11.

25. From and after the it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons within the meaning of the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-six, or medical prescriptions, or to assume or use the title of Pharmaceutical Chemist, or Pharmaceutist, or Pharmacist, or Dispensing Chemist, in any part of Ireland, unless such person shall be registered as a pharmaceutical chemist under this Act; and any person acting in contravention of this enactment, or compounding any medicines of the British Pharmacopœia, except according to the formularies of the said Pharmacopœia, shall for every such offence be liable to pay a penalty of *five* pounds; but nothing in this section contained shall prevent any person from being liable to any other penalty, damage, or punishment to which he would have been subject if this Act had not passed: Provided always, that nothing in this Act contained shall affect any licentiate of the Apothecaries Hall of the city of Dublin, or any person who shall have been registered as a legally qualified medical practitioner before the passing of this Act, or who shall be registered as a legally qualified practitioner after the passing of this Act, and who, in order to obtain his diploma, shall have passed an examination in pharmacy.

Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.
31 & 32 Vict. c. 121. s. 1.
32 & 33 Vict. c. 117. s. 1.

26. Nothing in this Act contained shall extend to or interfere with the making or dealing in patent medicines, or with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing, or of chemists or druggists who are practising as such in Ireland upon their own account at the time of the passing of this Act, save and except the provisions against the compounding of medical prescriptions, and against the preparing of any medicines of the British Pharmacopœia except according to the formularies of the said Pharmacopœia; and nothing in this Act contained shall prevent any person who is a member of

Reserving rights of certain persons.
31 & 32 Vict. c. 121. s. 16.
32 & 33 Vict. c. 117. s. 1.

A.D. 1875. the Royal College of Veterinary Surgeons of Great Britain, or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland from dispensing medicines for animals under his care.

Provision
for continua-
tion of busi-
ness in case
of death.

27. Upon the decease of any person registered under this Act 5
as a pharmaceutical chemist, actually in business at the time of his
death, it shall be lawful for any executor, administrator, or trustee of
the estate of such pharmaceutical chemist to continue such business,
if and so long only as such business shall be bonâ fide conducted
by a duly qualified assistant being a pharmaceutical chemist 10
registered as such under this Act.

Registration
not to entitle
to practice of
medicine, &c.
31 & 32 Vict.
c. 121. s. 16.

28. Registration under this Act shall not entitle any person so
registered to practise medicine or surgery, or any branch of medicine
or surgery.

Power to
Lord Lieu-
tenant and
Privy Coun-
cil to erase
names of
persons from
register.
31 & 32 Vict.
c. 121. s. 26.

29. The Lord Lieutenant and Privy Council may direct the 15
name of any person who is convicted of any offence against this
Act which in their opinion renders him unfit to be on any register
under this Act to be erased from such register, and it shall be the
duty of the registrar to erase the same accordingly.

Recovery
and appli-
cation of
penalties.

30. Every penalty recoverable under the provisions of this Act 20
shall be recoverable in a summary way, with respect to the police
district of Dublin metropolis subject and according to the pro-
visions of any Act regulating the powers and duties of justices of
the peace for such district or of the police of such district, and
with respect to other parts of Ireland, before a justice or justices 25
of the peace sitting in petty sessions, subject and according to the
provisions of The Petty Sessions (Ireland) Act, 1851, and any Act
amending the same.

One third of every sum of money recovered as a penalty under
this Act shall be paid to the person who shall be the means of 30
bringing to justice any person committing any offence against any
of the provisions of this Act, and the remainder of such sum shall
be paid to the treasurer, and shall by him be applied to the purposes
of this Act in the manner prescribed by any regulation made in
pursuance of this Act.

35

Repeal of
part of
31 Geo. 3.
(Ir.) c. 34.
s. 22.

31. From and after the passing of this Act so much of the Act
of 1791 as is inconsistent with the provisions of this Act shall be
and the same is hereby repealed.

SCHEDULE.

A.D. 1875.

Name.			Residence.		
			Date of Registration.		
5	A.B.	Grafton Street, Dublin	-	January 10th, 187	.
	C.D.	Patrick Street, Cork	-	March 4th, 187	.
	E.F.	Corn Market, Belfast	-	June 15th, 187	.

A

BILL

To institute a Pharmaceutical Society,
and to regulate the Qualifications of
Pharmaceutical Chemists in Ireland,
and to establish certain relations be-
tween the Pharmaceutical Societies of
Great Britain and Ireland.

*(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor
General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
13 May 1875.*

[Bill 175.]

Under 2 oz.

Pharmacy Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Limit of Act.
3. Interpretation.

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

4. Pharmaceutical Society of Ireland constituted and incorporated.
5. Members of Pharmaceutical Society of Ireland.
6. Persons who may be elected members of Pharmaceutical Society and of the council.
7. Term of office of president and vice-president.
8. Rotation.
9. Manner of making the rotation list.
10. Retiring members eligible to be re-elected.
11. Occasional vacancies.
12. Elections.
13. Proceedings at meetings of council.
14. First meeting.
15. Council may allow certain persons to acquire title of chemist and druggist.
16. Regulations for execution of Act.
17. Resolution and regulation to be approved by Lord Lieutenant and Privy Council.
18. Persons who may be elected associates of the Pharmaceutical Society.

General Provisions.

19. Following provisions not to take effect until approval of regulations.
20. Appointment of registrar and treasurer.

[Bill 215.]

A

Clause.

21. Examination.
22. Persons entitled to be registered under this Act.
23. Fees for examination, license, and registration.
24. Register of pharmaceutical chemists and of chemists and druggists.
25. Duty of registrar to make and keep registers.
26. Evidence of qualification to be given before registration.
27. Annual registers to be published, and to be evidence.
28. Penalty on wilful falsification of registers, or for obtaining registration by false representation.
29. Notice of death of pharmaceutical chemist or chemist and druggist to be given by registrars of deaths.
30. Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.
31. Reserving rights of certain persons.
32. Provision for continuation of business in case of death.
33. Registration not to entitle to practice of medicine, &c.
34. Pharmaceutical chemist qualified to be apothecary in district lunatic asylum.
35. Power to Lord Lieutenant and Privy Council to erase names of persons from register.
36. Recovery and application of penalties.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists and of Chemists and Druggists in Ireland. A.D. 1875.

WHEREAS by an Act passed by the Parliament of Ireland in the thirty-first year of the reign of His Majesty George the Third, intituled “An Act for the more effectually preserving the health of His Majesty’s subjects, for erecting an Apothecaries Hall in the city of Dublin, and regulating the profession of an apothecary throughout the kingdom of Ireland,” (in this Act referred to as “the Act of 1791,”) it is enacted that no person shall open shop or practise the art and mystery of an apothecary within the kingdom of Ireland until he shall have been examined as to his qualification and knowledge of the business by the persons and in the manner by the said Act prescribed, and shall have received a certificate to open shop or follow the art and mystery of an apothecary within the kingdom of Ireland from the Governor and Directors of the Apothecaries Hall of the city of Dublin :

And whereas a great deficiency exists throughout Ireland of establishments and shops for the sale of medicines and compounding of prescriptions, and great inconvenience thereby arises to the public in many parts of the country :

And whereas to remedy such inconvenience it is expedient to amend the Act of 1791, and to enable persons who, although they do not desire to practise the art and mystery of an apothecary, desire and are qualified to open shop for the retailing, dispensing, and compounding of poisons and medical prescriptions, to keep open shop for the purposes aforesaid :

And whereas for the purposes aforesaid it is expedient that provisions such as are in this Act contained should be made for the formation of a Pharmaceutical Society in Ireland, and for the examination of persons desiring to keep open shop for the purposes aforesaid, and for the registration of such of the said persons as may be found, on examination, to possess a competent practical knowledge of pharmaceutical and general chemistry and other

[Bill 215.]

A 2

A.D. 1875. — branches of useful knowledge, as fit persons to keep open shop for the dispensing and compounding of prescriptions of duly qualified medical practitioners :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as "The Pharmacy Act (Ireland), 1875."

Limit of Act. 2. This Act shall apply to Ireland only. 10

Interpreta- 3. In this Act,—
tion. The term "Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being :
The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland : 15
The term "licentiate of Apothecaries Hall" shall mean a person who has a certificate to open shop or to follow the art and mystery of an apothecary under the provisions of the Act of 1791.

Constitution and Incorporation of the Pharmaceutical Society of Ireland. 20

Pharma- 4. A society to be called "the Pharmaceutical Society of Ireland" shall be constituted as herein-after mentioned, and such society shall by such name be a body corporate, and have perpetual suc-
cession and a common seal, and sue and be sued, and have power 25
and authority to take, purchase, and hold land for the purposes of this Act.

Members of 5. The following persons, that is to say, William Allen, of
Pharma- Henry Street, Dublin, Miles Vernon Bourke, M.D., of Limerick,
ceutical Thomas Collins, M.R.C.S.E., of Harcourt Street, Dublin, Sir 30
Society of Dominic Corrigan, Baronet, Physician in ordinary to the Queen in
Ireland. Ireland, William Frazer, F.R.C.S.I., of Harcourt Street, Dublin,
John Goodwin, of Merrion Row, Dublin, William Goulding, of
Summerhill House, Cork, William Harrington, Licentiate of Apo-
thecaries Hall, of Cork, William Hayes, of Grafton Street, Dublin, 35
John Frederick Hodges, M.D., of Belfast, Edward M. Hodgson,
of Capel Street, Dublin, John Thomas Holmes, of Upper Baggot
Street, Dublin, Charles Henry Leet, M.D., of Rathmines, near
Dublin, Rawdon Macnamara, F.R.C.S.I., of Stephen's Green,
Dublin, George B. Owens, M.D., of Lower Baggot Street, Dublin, 40
Richard Ward Pring, of Belfast, James Emerson Reynolds, M.D.,

of Upper Leeson Street, Dublin, John Ryan, M.D., of Francis Street, Dublin, Aquilla Smith, M.D., of Lower Baggot Street, Dublin, Charles R. C. Tichborne, of Waltham Terrace, Blackrock, near Dublin, Henry Whitaker, M.R.C.S.E., of Belfast, and all other persons who shall be qualified and elected in the manner prescribed by this Act, shall be members of the Pharmaceutical Society of Ireland, and the said persons in this section specifically named as such members as aforesaid shall constitute and be the first council of the Pharmaceutical Society of Ireland.

A.D. 1875.

- 10 There shall be a president and vice-president of the said Society, and the said Sir Dominic Corrigan, Baronet, shall be the first president, and the said Aquilla Smith, M.D., the first vice-president of the said council.

- 15 6. Every person who shall be registered under this Act as a pharmaceutical chemist shall be qualified to be elected as a member of the said Pharmaceutical Society; and every person so registered and elected a member of the said Pharmaceutical Society shall be qualified to be elected, and when elected to act as a member of the council of the said Pharmaceutical Society.

Persons who may be elected members of Pharmaceutical Society and of the council.

- 20 7. The persons by this Act named as president and vice-president of the said council, and their successors in such offices respectively, shall hold the office of president and vice-president respectively during such time as they shall continue to be members of the said council, and in case of any vacancy in the office of president or vice-president of the said council caused by such president or vice-president ceasing to be a member of the said council, or by the resignation or incapacity of any such president or vice-president, such vacancy shall be filled by the election of some member of the said council to fill such vacancy.

Term of office of president and vice-president.

- 30 8. The members of the said council shall go out of office by rotation in the following manner; viz., on the first Monday of October in the year one thousand eight hundred and seventy-six one third of the members of such council shall go out of office, and on the first Monday of October in the following year another third of the members of such council shall go out of office, and on the first Monday of October in the following year the remainder of the members of such council shall go out of office; and on the first Monday of October in every subsequent year one third of the members of such council (being those who have been longest in office) shall go out of office; and in each instance the places of the retiring members of such council shall be supplied by the election by the members of the said Pharmaceutical Society on

Rotation.

A.D. 1875. the first Monday of October in each year of a like number of their body to act as members of the said council in the place of the retiring members.

Manner of making the rotation list.

9. In order to determine the rotation by which the first members of the said council shall go out of office, the said council shall at 5 their first meeting under this Act form a rotation list, and at such meeting the chairman shall write the names of all the members on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner, he shall put them into a ballot box, and shall in the presence of the meeting draw out such 10 slips of paper in succession, and the names upon the slips so drawn shall be written by the chairman in a list in the order in which they are drawn; and every such list shall be kept among the papers of the said council, and the names therein shall be numbered consecutively, and the members of the said council shall retire from office 15 in the order in which their names appear on such list, in the proportions in this Act mentioned.

Retiring members eligible to be re-elected.

10. Every member of the said council going out of office by rotation may be re-elected, and after such re-election he shall with reference to going out by rotation be considered as a new member. 20

Occasional vacancies.

11. If any extraordinary vacancy shall be occasioned in the said council the said council shall, on a day to be fixed by the chairman of the said council (such day not to be later than ten days after such vacancy) elect another person to supply such vacancy, and every person so elected shall continue a member of the said council 25 until the time at which the person in the room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election.

Elections.

12. Elections of members of the said council, and of president and vice-president thereof, under this Act, shall be held and the 30 voting and other proceedings in the case of a contest shall be conducted in the manner prescribed by regulations made in pursuance of this Act.

Proceedings at meetings of council.

13. At a meeting of the said council the president, or in his absence the vice-president, shall act as chairman, and in case the 35 president and vice-president shall both be absent, one of the members present shall be elected chairman by the majority present.

At all meetings of the said council the questions there considered shall be decided by a majority. In case of an equal division, the 40 chairman shall, in addition to his own vote, have a casting vote.

No business shall be transacted at any meeting of the said council unless seven members of the council be present, and all the powers under this Act vested in the council may be exercised by any seven or more of the council present at any meeting of the council. A.D. 1875.

5 14. The council of the said Pharmaceutical Society shall hold their first meeting within six months after the passing of this Act at such place in the city of Dublin, at such hour, and on such day as the Chief Secretary to the Lord Lieutenant may respectively order and appoint, and they may adjourn such meeting from time to time
10 as shall seem fit.

15 15. The said council may at their first or any subsequent meeting by resolution determine upon allowing certain persons to acquire the title of chemist and druggist, subject to such terms and conditions as the said council shall think proper.

First meeting.
Council may allow certain persons to acquire title of chemist and druggist.

16. At the first meeting of the said council, or some adjournment of the same, they may, subject to the provisions of this Act, make regulations with respect to the matters following :

Regulations for execution of Act.

- (1.) The meetings and other proceedings of the said council ;
- (2.) The examinations of persons desirous of being registered as
20 pharmaceutical chemists under this Act ;
- (3.) The examinations of persons desirous of being registered as chemists and druggists under this Act, in case the said council shall think proper to allow persons to acquire the title of chemist and druggist ;
- 25 (4.) The times at which and the mode in which elections of members and associates of the said Pharmaceutical Society are to be held and conducted ;
- (5.) The mode in which elections of members of the council, and of president and vice-president thereof, are to be held and
30 conducted ;
- (6.) The fees to be charged for examination, license, and registration under this Act, and the entrance fees and annual subscriptions to be paid by members of the said Pharmaceutical Society, and the application of the same, and of
35 all moneys received by the treasurer under this Act ;
- (7.) The duties of the registrar, treasurer, clerks, and other subordinate officers, and the manner in which the same shall be discharged, and the salaries to be paid to such officers respectively ; and
- 40 (8.) Generally for all such other matters as may be necessary for the due execution of this Act.

A.D. 1875.

The said council may from time to time, at any meeting of the council held at any time after the expiration of six months after such first meeting, revoke or alter any such regulation, and make new regulations instead thereof or in addition thereto.

Resolution
and regula-
tion to be
approved
by Lord
Lieutenant
and Privy
Council.

17. Any resolution made under the authority of this Act with 5
respect to the title of chemist and druggist, and every regulation
made under the authority of this Act shall be subject to the
approval of the Lord Lieutenant and Privy Council, and shall be of
no force or effect until the same shall respectively be so approved,
and notice of such approval shall be published in the Dublin 10
Gazette.

Any resolution and all regulations made under the authority of
this Act and approved as aforesaid shall be laid before both Houses
of Parliament within twenty-one days after the same shall be made,
if Parliament be sitting at such time, or if Parliament be not sitting, 15
within twenty-one days after the commencement of the next session
of Parliament after the making thereof.

Any such resolution and all such regulations when so approved
shall be of the like force and effect as if they had been enacted in
this Act.

20

Persons
who may
be elected
associates
of the Phar-
maceutical
Society.

18. Every person who shall be registered under this Act as a
chemist and druggist shall be qualified to be elected an associate of
the said Pharmaceutical Society, subject to the regulations made in
pursuance of this Act; and every person so elected and continuing
as such associate, being in business on his own account, shall have 25
the privilege of attending all meetings of the said society, and of
voting thereat, and otherwise taking part in the proceedings of
such meetings in the same manner as members of the said society:
Provided always, that such associates contribute to the funds of the
said society the same fees or subscriptions as members contribute 30
for the time being under the regulations thereof.

General Provisions.

Following
provisions
not to take
effect until
approval of
regulations.

19. The following provisions of this Act shall not take effect
until after the publication in the Dublin Gazette of the notice of
the approval of the regulations made at the first meeting of the said 35
council, and so far as the said provisions relate to chemists and
druggists under this Act they shall only take effect after the publi-
cation in the Dublin Gazette of the notice of the approval of a
resolution with respect to the title of chemist and druggist.

Appointment
of registrar
and treasurer.

20. The said council may from time to time appoint a fit and 40
proper person as a registrar under this Act, and shall have power to

remove any such registrar from the said office, and may also appoint and remove from time to time a treasurer, and such clerks and other subordinate officers as may be requisite for carrying out the purposes of this Act, and also to pay suitable salaries to the said registrar,

A.D. 1875.

5 treasurer, clerks, and officers.

21. For the purpose of ascertaining the qualification of persons desirous of keeping open shop for the retailing, dispensing, or compounding poisons or medical prescriptions and being registered as pharmaceutical chemists or as chemists and druggists under this Act, the said council shall cause examinations to be held at such times and in such manner as may be prescribed by regulations made in pursuance of this Act, and the said council shall appoint examiners to conduct the same: Provided always, that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Lord Lieutenant and Privy Council, and such appointment shall not in any case be in force for more than five years; and that it shall be the duty of the said Pharmaceutical Society to allow any officer appointed by the Lord Lieutenant and Privy Council for that purpose to be present during the progress of any examination held for the purposes of this Act.

Examination.
15 & 16 Vict.
c. 56, s. 8.

All persons desirous of being registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopœia, and of such other subjects as may from time to time be prescribed by any regulations made in pursuance of this Act; and all persons desirous of being registered as chemists and druggists under this Act may at any such examination present themselves for examination, and they shall be subjected to such a modified examination with respect to their knowledge of the subjects aforesaid as may from time to time be prescribed by any regulations made in pursuance of this Act: Provided always, that such examinations shall not include the theory and practice of medicine, surgery, or midwifery, or any branch of medicine or surgery; and the examiners appointed by the council are hereby empowered, after such examinations respectively, to grant or refuse to such persons, as in their discretion may seem fit, certificates of competent knowledge and qualification and skill to be registered as pharmaceutical chemists or as chemists and druggists under this Act: Provided always, that in case of rejection a rejected candidate

[215.]

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A.D. 1875. shall not present himself for re-examination until after six months after such rejection.

Persons
entitled to
be registered
under this
Act.
31 & 32 Vict.
c. 121. ss. 3
and 4.

22. Every person by this Act nominated as a member of the council of the Pharmaceutical Society of Ireland shall be entitled to be registered as a pharmaceutical chemist without payment of 5 any fees or charges; and every person who shall be duly examined in accordance with the provisions of this Act, and who shall be certified by the examiners to be qualified to act as a pharmaceutical chemist, and every licentiate of Apothecaries Hall, shall upon giving to the registrar such reasonable proof thereof as may be 10 required under any regulations made by the council of the said Pharmaceutical Society in that behalf, and upon payment of the proper fees and charges, be entitled to be registered under this Act as a pharmaceutical chemist.

Every person who shall be duly examined in accordance with the 15 provisions of this Act, and who shall be certified by the examiners to be qualified to act as a chemist and druggist, shall upon giving to the registrar such reasonable proof thereof as may be required under any regulations made by the council of the said Pharmaceu- 20 tical Society in that behalf, and upon payment of the proper fees and charges, be entitled to be registered under this Act as a chemist and druggist.

Fees for
examination,
license, and
registration.

23. For every examination, license, and registration such reasonable fees or charges shall be paid as shall from time to time be fixed and determined by any regulation or regulations to be made 25 by the said council in pursuance of this Act; provided always, that such fees or charges shall at all times be equal, as nearly as may be, to the fees fixed and determined for like purposes by any byelaw or byelaws made by the Pharmaceutical Society of Great Britain, and such fees shall be paid to the treasurer, and shall by 30 him be applied to the purposes of this Act in manner prescribed by such regulations.

Register of
pharma-
ceutical
chemists and
of chemists
and drug-
gists.
31 & 32 Vict.
c. 121. s. 6.

24. The registrar to be appointed under or by virtue of this Act shall from time to time make out and maintain a complete list (to be called the "Register of Pharmaceutical Chemists for Ireland") 35 and also a complete list (to be called the "Register of Chemists and Druggists in Ireland") of all persons registered as pharmaceutical chemists or as chemists and druggists respectively under this Act, and in such registers the names shall be in alphabetical order according to the surnames, with the respective residences, in the 40 form set forth in the schedule to this Act annexed, or to the like

effect, and shall keep proper indexes of such registers, and all such other lists and books as may be required by the said council and as may be necessary for giving effect to the regulations of the said council and to the provisions of this Act. A.D. 1875.

- 5 **25.** It shall be the duty of the registrar to keep the said registers corrected, and to erase the names of all registered persons as and when they shall die, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act; and to enable the registrar duly to fulfil such duties, it shall be
 10 lawful for him to write a letter to any registered person, addressed to such person according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the post office regulations for the time being, and if no
 15 answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner, and if no answer be given thereto within three months from date thereof it shall be lawful to erase the name of such person from the register; provided always, that
 20 the same may be restored by direction of the said council, should they think fit to make an order to that effect.

Duty of registrar to make and keep registers.
 31 & 32 Vict.
 c. 121. s. 10.

- 26.** No name shall be entered in the said registers, except of persons authorised by this Act to be registered, nor unless the registrar be satisfied by the proper evidence that the person
 25 claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the said council; and any entry which shall be proved to the satisfaction of the said council to have been fraudulently or incorrectly made may be erased from or amended in the register under an order in writing of the
 30 said council.

Evidence of qualification to be given before registration.
 31 & 32 Vict.
 c. 121. s. 12.

- 27.** The registrar shall, in the month of January in every year, cause to be printed, published, and sold correct copies of the register of pharmaceutical chemists and of the register of chemists and druggists, in alphabetical order according to the surnames; and
 35 printed copies of such registers for the time being in force, purporting to be so printed and published as aforesaid, or any extract therefrom, or from the original registers, certified under the hand of the said registrar, and countersigned by the president or two members of the said council, shall be evidence in all courts and in
 40 all proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from any such copy of either of the said registers

Annual registers to be published, and to be evidence.
 31 & 32 Vict.
 c. 121. s. 13.

A.D. 1875. shall be evidence, until the contrary shall be made to appear, that such person is not registered in such register according to the provisions of this Act.

Penalty on wilful falsification of registers or for obtaining registration by false representation. 31 & 32 Vict. c. 121. s. 14.

28. Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, or 5 either of them, and any person who shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty 10 of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months.

Notice of death of pharmaceutical chemist, or chemist and druggist, to be given by registrars of deaths. 31 & 32 Vict. c. 121. s. 11.

29. Every registrar of deaths in Ireland, on receiving notice of the death of any person registered under this Act as a pharma- 15 ceutical chemist or as a chemist and druggist, shall forthwith transmit by post to the registrar under this Act a certificate, under his own hand, of such death, with the particulars of the time and place of death, and on receipt of such certificate the said registrar under this Act shall erase the name of such deceased pharmaceutical 20 chemist or chemist and druggist from the proper register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified. 31 & 32 Vict. c. 121. s. 1. 32 & 33 Vict. c. 117. s. 1.

30. So much of the Act of 1791 as prohibits the keeping of open 25 shop within the meaning of the said Act by any person other than a licentiate of Apothecaries Hall shall be repealed; provided always, that it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons within the meaning of the Act of the session of the thirty-third and thirty-fourth years of 30 the reign of Her present Majesty, chapter twenty-six, or medical prescriptions, unless such person be registered as a pharmaceutical chemist or a chemist and druggist under this Act, or to assume or use the title of Pharmaceutical Chemist, or Pharmaceutist, or Pharmacist, or Dispensing Chemist, or the title of Chemist and Druggist 35 in any part of Ireland, unless such person shall be registered as a pharmaceutical chemist or as a chemist and druggist respectively under this Act; and any person acting in contravention of this enactment, or compounding any medicines of the British Pharmacopœia, except according to the formularies of the said 40 Pharmacopœia, shall for every such offence be liable to pay a penalty of five pounds; but no such penalty shall exempt any

person from being liable to any other penalty, damage, or punishment to which he would have been subject if this Act had not passed: Provided always, that nothing in this section contained shall affect any licentiate of Apothecaries Hall, or any person who shall have been registered as a legally qualified medical practitioner before the passing of this Act, or who shall be registered as a legally qualified practitioner after the passing of this Act, and who, in order to obtain his diploma, shall have passed an examination in pharmacy.

A.D. 1875.

- 10 **31.** Nothing in this Act contained shall extend to or interfere with the making or dealing in patent medicines, or with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing, or of chemists or druggists who are practising as such in Ireland upon their own account at the time of the passing of this Act, save and except the provisions against the compounding of poisons or medical prescriptions, and against the preparing of any medicines of the British Pharmacopœia except according to the formularies of the said Pharmacopœia; and nothing in this Act contained shall prevent any person who is a member of the Royal College of Veterinary Surgeons of Great Britain, or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland from dispensing medicines for animals under his care.

Reserving rights of certain persons.
31 & 32 Vict.
c. 121. s. 16.
32 & 33 Vict.
c. 117. s. 1.

- 25 **32.** Upon the decease of any person registered under this Act as a pharmaceutical chemist or as a chemist and druggist, actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and druggist to continue such business, if and so long only as such business shall be *bonâ fide* conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this section shall be a pharmaceutical chemist or a chemist and druggist registered as such under this Act.

Provision for continuation of business in case of death.

- 35 **33.** Registration under this Act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

Registration not to entitle to practice of medicine, &c.
31 & 32 Vict.
c. 121. s. 16.
Pharmaceutical chemist may be apothecary in lunatic asylum.
Power to erase names from register.

34. Any person registered as a pharmaceutical chemist under this Act shall be qualified to be appointed to and to hold the office of apothecary in any district lunatic asylum in Ireland.

- 40 **35.** The Lord Lieutenant and Privy Council may direct the name of any person who is convicted of any offence against this Act which in their opinion renders him unfit to be on any register

A.D. 1875.

31 & 32 Vict.
c. 121. s. 26.Recovery
and appli-
cation of
penalties.

under this Act to be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

36. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

One third of every sum of money recovered as a penalty under this Act shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of this Act, and the remainder of such sum shall be paid to the treasurer, and shall by him be applied to the purposes of this Act in the manner prescribed by any regulation made in pursuance of this Act.

SCHEDULE.

Name.	Residence.	Date of Registration.	20
<i>A.B.</i>	Grafton Street, Dublin	January 10th, 187	
<i>C.D.</i>	Patrick Street, Cork	March 4th, 187	
<i>E.F.</i>	Corn Market, Belfast	June 15th, 187	

Pharmacy.

A

B I L L

[AS AMENDED IN COMMITTEE]

To institute a Pharmaceutical Society,
and to regulate the Qualifications of
Pharmaceutical Chemists and of
Chemists and Druggists in Ireland.

*(Prepared and brought in by
Sir Michael Hicks Beach and Mr Solicitor
General for Ireland.*

*Ordered, by The House of Commons, to be Printed,
21 June 1875*

[Bill 215.]

Under 202.

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bournemouth, Carnlough, Clacton-on-Sea, Folkestone, Hythe (Southampton), and Withernsea. A.D. 1875.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule 15 shall, from and after the passing of this Act, have full validity and force. Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1875 (No. 1). Short title.

A.D. 1875.

The SCHEDULE of ORDERS.

1. BOURNEMOUTH.—Construction of pier.
 2. CAENLOUGH.—Power to levy rates in existing harbour.
 3. CLACTON-ON-SEA.—Extension of pier.
 4. FOLKESTONE.—Construction of pier. 5
 5. HYTHE (SOUTHAMPTON).—Construction of pier.
 6. WITHERNSEA.—Construction of pier.
-

Bournemouth.

BOURNEMOUTH.

Order for the Construction, Maintenance, and Regulation of a Pier at Bournemouth, in the County of Hants. 10

- | | | |
|--------------------------------------|--|----------|
| Undertakers. | 1. The Bournemouth Promenade Pier Company (Limited), in this Order called "the Company," shall be the Undertakers of the works authorised by this Order. | |
| Incorporation of Lands Clauses Acts. | 2. The Lands Clauses Consolidation Acts, 1845 and 1860, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order. | 15 |
| Power to take lands by agreement. | 3. For the purposes of the works authorised by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith. | 20 |
| Lands for extraordinary purposes. | 4. The Company may purchase and hold for extraordinary purposes any land not exceeding in extent in the whole five acres. | |
| Power to make works. | 5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections, (so far as the same are shown thereon,) and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order. | 25
30 |
| Description of works authorised. | 6. The works authorised by this Order comprise the following :
A pier at Bournemouth, in the county of Hants, with a landing place, and all necessary works and conveniences, suitable for the embarking and | |

landing of passengers and their luggage, and for other purposes, commencing at a point on the mainland, adjoining and on the east side of the toll-gates of the existing pier, and extending seawards nine hundred feet or thereabouts.

A.D. 1875.

Bournemouth.

- 5 7. No works under this Order shall be commenced or constructed, nor shall any land be acquired by the Company under this Order, without the consent in writing having been first obtained of the Bournemouth Commissioners (incorporated by the Bournemouth Improvement Act, 1856, in this Order called "the Commissioners").
- 10 8. The Commissioners may, upon such terms and conditions as may be agreed upon, sell, and transfer to the Company the existing pier and landing place, together with the toll-houses, toll-gates, and other works and conveniences connected therewith, now vested in the Commissioners, and the Company may purchase and acquire the same from the Commissioners.
- 15 9. Such transfer by the Commissioners, when made, shall be by deed, duly stamped, in which the full consideration shall be set forth, and such transfer shall be under the respective common seals of the Commissioners and the Company, and at the sole expense of the Company.
- 20 10. From and after the execution of the transfer, all the pier, landing-place, works, and conveniences connected therewith, now vested in the Commissioners, shall vest in and be held and enjoyed by the Company for all the estate and interest vested in the Commissioners at the time of transfer, and discharged from all claims of any mortgagees or incumbrancers thereon who shall consent in writing to such transfer, and the Commissioners shall indemnify the Company against all debts, liabilities, or obligations of every description affecting the same, and not expressly undertaken by the Company.
- 25 11. All the powers, rights, and authorities, including the power to levy tolls now vested in the Commissioners, so far as relates to the pier and works transferred to the Company shall, immediately upon such transfer being made, be exercised and exercisable and enforceable by the Company, except so far as otherwise provided by this Order.
- 30 12. Notwithstanding the transfer, all byelaws, rules, regulations, and orders made by the Commissioners shall continue in force until the same shall be altered, repealed, or varied by the Company, and such byelaws, regulations, and orders, and all penalties and forfeitures thereby imposed, may and shall be enforced, recovered, and applied by the Company in the same manner in all respects as if the same had been made and imposed by the Company.
- 35 13. The receipt in writing of the Chairman of the Commissioners for the time being, and of any three other Commissioners, for the purchase-money of the pier and works transferred, shall be a sufficient discharge to the Company for such purchase money, and the Company shall not be bound to see to the application, or be answerable for the misapplication or nonapplication thereof.
- 40 14. The Commissioners may apply the purchase money received by them from the sale of the said pier and works in repayment of any money borrowed by them, upon the security of the said pier and works, and remaining unpaid,

Works not to be commenced on lands acquired without consent of Bournemouth Commissioners.

Commissioners may sell existing pier.

Transfer to be by deed.

Effect of transfer.

Powers of Commissioners to be exercised by Company.

Byelaws to remain in force.

Receipt of Commissioners a discharge.

Application of purchase-money.

A.D. 1875. anything contained in sections 32 and 35 of the Bournemouth Improvement Act, 1856, to the contrary thereof notwithstanding, and they may also apply such purchase money in such manner as any other moneys raised by them by loan or rates may lawfully be applied.

Bournemouth.

Power to levy rates.

15. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works, demand and receive in respect of the persons and things in the schedule to this Order specified, any sums not exceeding the rates in that schedule mentioned; and the rates leviable under that schedule in respect of persons and things named in that schedule shall be deemed substituted for any other rates previously payable in respect of the same persons and things. 10

Board of Trade may reduce rates.

16. If at any time it appear to the Board of Trade that the clear annual profits divisible on the capital of the Company subscribed and paid up, and applied for the purposes of this Order on the average of the then three last preceding years exceed the rate of ten per cent. per annum on such paid up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement, they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue; provided that if at any subsequent time the clear annual profits divisible as aforesaid fall below the said rate of ten per cent. per annum, the Company may with the sanction of the Board of Trade again raise the rates to not exceeding the amounts specified in the schedule to this Order. 15 20 25

Annual account to be sent to Board of Trade.

17. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. 30

Certain fishing vessels under stress of weather exempt from rates.

18. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges, such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 35 40

Company may contract with persons for the use of the pier.

19. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such period, not exceeding one year, as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this 45

provision, or use, or attempt to use, any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

20. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land, and with their vessels and otherwise without payment. Custom House officers exempt from rates.

10 21. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things, as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable. Steam engines, diving bells, lighters, &c.

15 22. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, sections sixteen to nineteen inclusive, and twenty-one to twenty-four inclusive. Parts of Harbours, &c. Act, 1847, excepted.

23. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order. Part V. of 24 & 25 Vict. c. 47. to apply.

20 24. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep or cattle, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers. Restriction on use of pier.

25 25. Before commencing the works authorised by this Order, or making the purchase of the existing pier, the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds. As to lights during construction of works.

35 26. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Company shall, at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. As to lights after completion of works.

27. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of Pier to be deemed within Parish of Christchurch.

A.D. 1875. Christchurch, and within the jurisdiction of the justices acting in or for that parish.

Bournemouth.
Powers to
cease in
certain events.

28. In the following cases (that is to say):

(1.) If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving
rights under
Crown Lands
Act, 1866.

29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by The Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Costs of Order. 30. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

Short title. 31. This Order may be cited as "The Bournemouth Promenade Pier Order, 1875."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.	30
For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time any sum not exceeding	0	6	
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose except for embarking or disembarking, for each and every time any sum not exceeding	0	3	35
For every Bath or sedan chair taken on the pier, for each and every time any sum not exceeding	0	6	
For every perambulator, for each and every time any sum not exceeding	0	2	
For every master of any vessel, boat, or wherry using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0	40

II.—RATES ON PASSENGERS' LUGGAGE.

	s.	d.	A.D. 1875.
For every trunk, portmanteau, box, parcel, or package within the description of luggage not exceeding 28 lbs.	0	2	Bournemouth.
Over 28 lbs. and not exceeding 84 lbs.	0	4	
5 Over 84 lbs. and not exceeding 112 lbs.	0	5	
Over 112 lbs. and not exceeding 140 lbs.	0	6	
Over 140 lbs. and not exceeding 196 lbs.	0	7	
Over 196 lbs. and not exceeding 2 cwt.	0	8	
And for every cwt. beyond	0	4	
10 And for every 20 lbs. weight in addition	0	1	

III.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	10	0
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CARNLOUGH.

Carnlough.

15 *Order for power to levy rates and make regulations in and with reference to the Harbour of Carnlough, in the County of Antrim.*

1. The Most Honourable George Henry Robert Charles William Vane-Tempest, Marquis of Londonderry, and the Most Noble John Winston Spencer Churchill, Duke of Marlborough, and their heirs and assigns, or other the persons or person from time to time entitled to the possession or to the receipt of the rents, rates, and profits of the pier and harbour of Carnlough, in the parish of Ardclinis, in the county of Antrim, shall be the Undertakers for carrying this Order into execution, and shall have the powers by this Order conferred on the Undertakers.

25 2. Subject to the provisions of this Order, the Undertakers may from time to time maintain, alter, and improve the harbour, quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour: Provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

30 3. Subject and according to the provisions of this Order, and on and after the first day of September one thousand eight hundred and seventy-five, the Undertakers may for the use of the pier, harbour, and works demand and receive for and in respect of the vessels, animals, goods, and things described in the schedule to this Order any sums not exceeding the rates specified in such schedule.

40 4. On and after the first day of September one thousand eight hundred and seventy-four all tolls, rates, dues, or other payments (if any) heretofore payable, demanded, or received by the Undertakers or their predecessors in title in right of ownership of the harbour of Carnlough shall cease to be payable, and shall no longer be demanded or received.

A.D. 1875.

Carnlough.

Annual account to be sent to Board of Trade.

5. The Undertakers, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. 5

Board of Trade may reduce rates.

6. The Board of Trade at any time and from time to time, on an application in writing from six or more of the owners of vessels or boats resorting to the pier and harbour, and after hearing the Undertakers, may, if the rates or dues appear to the Board of Trade excessive or disproportionate to the expenditure on the works of the pier and harbour, or to the benefits conferred, reduce the same, or any of them, with power to the Board of Trade to raise them again to amounts not exceeding those in the schedule to this Order specified. 10

Certain fishing vessels under stress of weather exempt from tolls.

7. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour, and not breaking bulk while making use thereof, be exempt from rates and dues leviable under this Order. 15 20

Exemption of customs officers.

8. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, through, and along the pier and harbour and works by land, and with their vessels and otherwise, without payment.

Application of harbour rates.

9. The rates and dues received under this Order shall be applicable for the purposes and in the order following, and not otherwise; (that is to say,) 25

(1.) In paying the expenses of and connected with the applying for, obtaining, and making this Order.

(2.) In paying the expenses of the maintenance, management, and regulation of the pier and harbour. 30

(3.) So much of the rates and dues as may remain after answering the purposes aforesaid shall belong to the Undertakers.

Sections of Harbours, &c. Act excepted.

10. The following provisions of the Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, sections 6 to 11 inclusive, 16, 17, 18, 19, 25, and 26. 35

Meters and weighers.

11. The Undertakers shall have the appointment of meters and weighers within and in connexion with the harbour.

Undertakers to be a local authority.

12. The Undertakers shall be a local authority within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same, with all the powers thereby conferred on local authorities. 40

Power to make byelaws.

13. The Undertakers may make byelaws for the regulation and control of vessels and boats within the harbour, and for the regulation and control of the fishermen and others, and goods and traffic, for the supply of ballast to vessels and boats, and for the deposit or removal of ballast; but such byelaws shall

not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. A.D. 1875.

Carnlough.
Light or lights
to be exhibited.

14. The Undertakers shall at the outer extremity of the pier and harbour exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Commissioners of Irish Lights, and shall within two calendar months after the passing of the Act confirming this Order apply to those Commissioners for directions as to lighting, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, after the expiration of such two calendar months.

15. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained. Saving rights
under "Crown
Lands Act,
1866."

16. This Order may be cited as "The Carnlough Harbour Order, 1875." Short title.

SCHEDULE referred to in the foregoing Order.

I.—TONNAGE RATES.

	s.	d.
20 On foreign-going vessels entering the harbour to discharge or load cargo, per registered ton - - - - -	0	4
On all other vessels entering to discharge or load cargo, per registered ton - - - - -	6	3
On passenger steamers not carrying cargo entering or using the harbour,		
25 per registered ton - - - - -	0	0½
Vessels arriving in ballast, and selling same, to be considered as discharging cargo, and to be charged accordingly.		
Vessels discharging or loading only part cargo to pay only a tonnage rate on the cargo discharged or loaded.		
30 All open boats, fishing boats, and tug boats, for or with vessels which have paid or may pay harbour dues, are exempt from tonnage rates.		

II.—DUES ON VESSELS EXCLUSIVE OF CARGO.

For every vessel entering or using the harbour and not loading or unloading cargo:

	s.	d.
35 For the first week or part of a week of stay in harbour - - -	10	0
For every week or part of week of stay in harbour after the first week	7	6

III.—RATES FOR BALLAST.

For all ballast supplied by the Undertakers to or discharged by them from any vessel within the harbour, per ton - - - - -

40 Any vessel taking ballast otherwise than from the harbour-master will be considered as taking cargo and charged accordingly, and the harbour-master shall supply all vessels in order of application made by each for ballast.

A.D. 1875.

*Carnlough.*IV.—RATES ON ARTICLES SHIPPED OR UNSHIPPED UPON THE PIER OR
WITHIN THE HARBOUR.

		s.	d.	
Apples or pears	- - - - - per ton	0	2	
Bacon, beef, or butter	- - - - - per cwt.	0	0 $\frac{1}{4}$	5
Barley	- - - - - per ton	0	1	
Bran	- - - - - per ton	0	0 $\frac{1}{2}$	
Beans and peas	- - - - - per ton	0	0 $\frac{1}{2}$	
Brick or stone, other than limestone	- - - - - per ton	0	0 $\frac{1}{2}$	
Carrots or turnips	- - - - - per ton	0	0 $\frac{1}{2}$	10
Coal	- - - - - per ton	0	0 $\frac{1}{4}$	
Crocks	- - - - - per dozen	0	0 $\frac{1}{4}$	
Cattle, except calves under a year old	- - - - - each	0	1	
Calves, sheep, pigs, or goats	- - - - - each	0	0 $\frac{1}{4}$	
Deals, all lengths	- - - - - per 120 pieces	0	4	15
Earthenware	- - - - - crate or hogshead	0	0 $\frac{1}{4}$	
Fire-bricks, tiles, D. pipes, &c.	- - - - - per ton	0	0 $\frac{1}{2}$	
Fish, dry or salted	- - - - - per ton	0	1	
Do. do.	- - - - - per hogshead	0	0 $\frac{1}{4}$	
Flax or tow	- - - - - per ton	0	2	20
Flax seed	- - - - - per package	0	0 $\frac{1}{4}$	
Flour	- - - - - per ton	0	1	
Grass seed	- - - - - per ton	0	1	
Guano	- - - - - per ton	0	1	
Hay and straw	- - - - - per ton	0	0 $\frac{1}{2}$	25
Herrings	- - - - - per barrel	0	0 $\frac{1}{4}$	
Horses, mules, or asses	- - - - - each	0	1 $\frac{1}{2}$	
Indian corn	- - - - - per ton	0	0 $\frac{1}{2}$	
Iron and all metals	- - - - - per ton	0	1	
Kelp	- - - - - per ton	0	0 $\frac{1}{2}$	30
Laths	- - - - - per 1,000	0	1	
Lime (inwards)	- - - - - per ton	0	1 $\frac{1}{2}$	
Machinery	- - - - - per ton	0	2	
Manure, artificial	- - - - - per ton	0	0 $\frac{1}{2}$	
Mats	- - - - - per 100	0	0 $\frac{1}{2}$	35
Meals, all kinds	- - - - - per ton	0	1	
Oats	- - - - - per ton	0	0 $\frac{1}{2}$	
Potatoes	- - - - - per ton	0	0 $\frac{1}{2}$	
Slates	- - - - - per ton	0	0 $\frac{1}{2}$	
Tar	- - - - - per barrel	0	0 $\frac{1}{4}$	40
Timber	- - - - - per load of 50 feet	0	1	
Wheat	- - - - - per ton	0	1	
Whiting	- - - - - per ton	0	0 $\frac{1}{2}$	
Whisky, wine, &c.	- - - - - per hogshead	0	0 $\frac{1}{2}$	
ALL GOODS NOT ENUMERATED ABOVE.				45
Light goods	- - - - - per barrel bulk	0	0 $\frac{1}{2}$	
Heavy goods	- - - - - per ton	0	1	

Rates on goods must be paid by the master, owner, or other person in charge of the vessel discharging or loading the goods, to the harbour-master or other person appointed to receive rates. A.D. 1875.
Carnlough.

In charging rates on goods the gross weight or measurement to be taken, and for any less weight, measure, or quantity than those above specified a proportion of the above rates shall be charged.

Five cubic feet, not exceeding $2\frac{1}{2}$ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than $2\frac{1}{2}$ cwt., then $2\frac{1}{2}$ cwt. to be rated as a barrel bulk.

10 Goods transhipped to another vessel to pay only one rate.

V.—RATES FOR WEIGHING MACHINES.

For all goods weighed - - - per ton or part of a ton d.
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VI.—RATES FOR SHED DUES OR STORAGE.

15 For articles which shall remain in the sheds or on the pier for a longer time than forty-eight hours - - - per ton or eight barrels 3
And for every day during which such articles shall remain after the first forty-eight hours - - - per ton or eight barrels $1\frac{1}{2}$

CLACTON-ON-SEA.

Clacton-on-Sea.

20 *Order for the Completion, Maintenance, and Regulation of the Pier at Clacton-on-Sea, in the County of Essex, authorised by the Thorpe and Great Clacton Railway Act, 1866.*

1. From and after the passing of the Act confirming this Order, the Thorpe and Great Clacton Railway and Pier Company, incorporated by the Thorpe and Great Clacton Railway Act, 1866 (in this Order called "the Act of 1866"), being a company whose railway has been abandoned under a warrant of abandonment granted by the Board of Trade, and dated the 5th day of April 1872, shall cease to bear that name, and shall bear the name of the Clacton-on-Sea Pier Company. Name of the
Company
changed.

30 2. The Clacton-on-Sea Pier Company, in this Order called the Company, shall be the undertakers of the works authorised by this Order. The Under-
takers.

3. This Order and the Act of 1866, so far as that Act remains in force, shall be read and construed together as one Act or Order. Local Act and
Order to be
read together.

A.D. 1875.

*Clacton-on-Sea.*Company may
issue preference
shares.Corresponding
amount of
ordinary shares
to be extin-
guished.Incorporation
of Part II. of
Companies
Clauses Act,
1863.Quorum of
directors.Power to
execute works.

Works.

Incidental
works.Board of
Trade may
reduce rates.

4. The Company may issue preference shares of one class with a preferential dividend, not exceeding five pounds per centum per annum, to an amount not exceeding one third of their authorised share capital, and such shares shall be subject to the payment of calls of such amounts and at such periods as the directors appoint at the time of the issue thereof.

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5. Upon the issue of such preference shares, or of any part thereof, an equal nominal amount of the unissued ordinary share capital of the Company shall be extinguished.

6. Part II. of "The Companies Clauses Act, 1863," relating to additional capital, is incorporated with this Order, and shall apply to any preference shares to be issued under the authority of this Order as if the same were additional capital issued under the authority of a special Act.

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7. When the directors of the Company shall consist of four only, the quorum of a meeting of directors shall be two; and the directors, whether consisting of five or four, may from time to time appoint one of their number as a managing director, who shall have all the powers, rights, and authorities of the directors, until the revocation of such appointment by them.

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8. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Company may, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the extension of their pier and the other works authorised by this Order.

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9. The works authorised by this Order comprise the following :

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An extension of the existing uncompleted pier of the Company seawards from the south end thereof in a southerly direction for a distance of one hundred and seventy yards or thereabouts, with a shelter head at the southern extremity of the pier as extended :

Screen works for the protection of steamboats or other craft within the proposed shelter head, and of boats and craft beaching alongside the pier, with moorings, buoys, dolphins, capstans, and other works for warping or otherwise assisting vessels coming to or leaving the pier, or lying outside or along the same; and any other works proper for facilitating access to and convenient user of the pier and works or for making the same more secure.

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10. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid-up capital of the Company on the average of the then three last preceding years exceed the rate of ten pound per cent. per annum on such paid-up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under the Act of 1866 to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the said

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rates shall thereupon be reduced accordingly, with power to the Board of Trade at any time and from time to time, if and when such clear annual profits fall below the said rate of ten per cent. per annum, to authorise the Company to raise the rates again to not exceeding the amounts authorised by the Act of 1866.

A.D. 1875.

Clacton-on-Sea.

11. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.

Annual account to be sent to Board of Trade.

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

13. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

Company may contract with persons for the use of the pier.

14. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land, and with their vessels and otherwise, without payment.

Custom House officers exempt from rates.

15. The Company may provide such steam and other vessels, barges, boats, and labour as they think necessary for landing and embarking passengers and goods and otherwise carrying on their business, and may demand and receive such sums for the use thereof as they think reasonable; and they may compound for the same, and for the tolls and charges leviable under the Act of 1866, together or separately, but so that no preference be shown to any person.

Company may provide steam vessels, &c.

16. The Company may sell or lease their undertaking, upon such terms and under such conditions and restrictions as they think fit, provided that no sale or lease shall be made to any railway company.

Power to sell or lease undertaking.

17. Sections sixteen to nineteen inclusive of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order: Provided that nothing contained in that Act or in this Order shall be held to alter or repeal section twenty-eight of the Act of 1866.

Certain sections of Harbours, Docks, &c. Act, 1847, not incorporated.

A.D. 1875.

Clacton-on-Sea.

As to lights during construction of the works.

18. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

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As to lights after completion of works.

19. After completion or permanent discontinuance of the works authorised by this Order the Company shall, at the outer extremity of the pier and works or the completed portion thereof, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

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Powers of Order to cease in certain events.

20. In the following cases, that is to say,

(1.) If, within two years from the date of the passing of the Act confirming this Order the works authorised by this Order shall not be substantially commenced; or

(2.) If such works, after having been commenced, shall be virtually suspended for twelve calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

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A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

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Saving rights under Crown Lands Act, 1866.

21. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

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Costs of Order.

22. All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

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Short title.

23. This Order may be cited as "The Clacton-on-Sea Pier Order, 1875."

A.D. 1875.

Folkestone.

FOLKESTONE.

Order for the Construction, Maintenance, and Regulation of a Pier at Folkestone, in the County of Kent.

1. The Folkestone Promenade Pier Company (Limited), in this Order called
 5 “the Company,” shall be the Undertakers of the works authorised by this Order. Undertakers.
2. The Lands Clauses Consolidation Acts, 1845 and 1860, except so much
 thereof as relates to the purchase or taking of lands otherwise than by agree- Incorporation
of Lands
Clauses Act.
 ment, shall be incorporated with this Order.
- 10 3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith. Power to take
land by agree-
ment.
- 15 4. The Company may purchase and hold for extraordinary purposes any land not exceeding in extent in the whole five acres. Lands for
extraordinary
purposes.
5. Subject to the provisions of this Order, and subject also to such altera- Power to
make works.
 tions (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury
 20 to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.
- 25 6. The works authorised by this Order comprise the following: Description of
works autho-
rised.
 A pier at Folkestone, in the county of Kent, with a landing-place, and all necessary works and conveniences suitable for the embarking and landing of passengers and their luggage, and for other purposes, commencing at a point on the mainland opposite Cheriton Place, and extending seawards
 30 eight hundred feet or thereabouts: Provided that no part of the pier shall lie to the eastward of the line of Cheriton Place, nor more than eighty feet distant from the line of the western limit of deviation as marked on the deposited plans:
 A hoist in connexion therewith for the convenience of persons using the
 35 pier, and of others.
7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works

Power to levy
rates.

[111.]

B 4

A.D. 1875.

Folkestone.

Power to take rates according to schedule to this Order.

Board of Trade may reduce rates.

authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works demand and receive in respect of the persons and things in the schedule to this Order specified any sums not exceeding the rates in that schedule mentioned.

5

8. If at any time it appear to the Board of Trade that the clear annual profits divisible on the capital of the Company, subscribed and paid up and applied for the purposes of this Order, on the average of the then three last preceding years, exceed the rate of ten per cent. per annum on such paid-up capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates leviable under this Order to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that if at any subsequent time the clear annual profits divisible as aforesaid fall below the said rate of ten per cent. per annum, the Company may, with the sanction of the Board of Trade, again raise the rates to not exceeding the amounts specified in the schedule to this Order.

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Annual account to be sent to Board of Trade.

9. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

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25

Certain fishing vessels under stress of weather exempt from rates.

10. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

30

Company may contract with persons for the use of the pier.

11. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms and for such period, not exceeding one year, as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use, or attempt to use, any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

35

40

Custom House officers exempt from rates.

12. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, by land and with their vessels and otherwise, without payment.

45

13. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the
 5 apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the pier without payment.
14. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat, or the apparatus for saving
 10 life, may either permanently or temporarily, and from time to time without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life, and may also either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.
15. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.
16. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order: namely, sections sixteen to
 20 nineteen inclusive, and twenty-one to twenty-four inclusive.
17. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.
18. Nothing in this Order shall entitle any person with any vessel or boat
 25 to ship or unship at the pier authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers.
19. Before commencing the works authorised by this Order, the Company
 30 shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during
 35 the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.
20. After completion or permanent discontinuance of the works authorised
 40 by this Order, the Company shall at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding ten
 45 pounds for every calendar month during which they omit so to apply.

A.D. 1875.

*Folkestone.*Lifeboat crew
exempt from
tolls.Life-saving
apparatus may
be attached to
pier.Steam engines,
diving bells,
lighters, &c.Parts of Har-
bours, &c.
Act, 1847,
excepted.Part V. of
24 & 25 Vict.
c. 47. to apply.Restriction on
use of pier.As to lights
during con-
struction of
the works.As to lights
after comple-
tion of works.

- Folkestone.* 21. The Company shall at all times keep at the outer extremity of the pier a Kisby lifebuoy and line in good order, and fit and ready for use.
- Kisby lifebuoy to be kept.
- Pier to be deemed within borough of Folkestone.
22. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the borough of Folkestone, and within the jurisdiction of the justices of that borough. 5
- Powers to cease in certain events.
23. In the following cases; (that is to say,) (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or, 10 (2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. 15
- A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate. 20
- Saving rights under Crown Lands Act, 1866.
24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. 25
- Saving for corporation of Folkestone.
25. Nothing in this Order shall take away, abridge, or prejudicially affect any right, power, authority, or privilege vested in, exercised, or enjoyed by the corporation of Folkestone.
- Costs of Order.
26. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company. 30
- Short title.
27. This Order may be cited as "The Folkestone Promenade Pier Order, 1875."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.		35
	<i>s. d.</i>	
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time any sum not exceeding	0 6	
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0 3	40

	s.	d.	A.D. 1875.
For every bath or sedan chair taken on the pier, for each and every time any sum not exceeding - - - - -	0	6	<i>Folkestone.</i>
5 For every perambulator, for each and every time any sum not exceeding - - - - -	0	2	
For every master of any vessel, boat, or wherry using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0	

II.—RATES ON PASSENGERS' LUGGAGE.

10 For every trunk, portmanteau, box, parcel, or package within the description of luggage, not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6
15 Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - - -	0	1

III.—RATES ON PERSONS USING THE HOIST.

20 For every person who shall use the hoist, for each and every time any sum not exceeding—		
1st class - - - - -	0	2
2nd class - - - - -	0	1

IV.—RATES FOR SUPPLYING WATER ON PIER.

25 Water, per 1,000 gallons - - - - -	10	0
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HYPHE (SOUTHAMPTON). *Hythe.*

Order for the construction, maintenance, and regulation of a Pier at Hythe, in the county of Southampton.

1. The Hythe Pier and Hythe and Southampton Ferry Company (Limited),
30 in this Order called “the Company,” shall be the Undertakers of the works authorised by this Order. *The Undertakers.*
2. The Lands Clauses Consolidation Act, 1845, except so much as relates to the purchase or taking of land otherwise than by agreement, and the Lands Clauses Consolidation Acts Amendment Act, 1860, shall respectively be in-
35 corporated with this Order, and the words “special Act” in such Acts mentioned shall apply to and include this Order. *Incorporation of Clauses Acts.*
3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the *Power to take lands by agreement.*

A.D. 1875.

*Hythe.*Lands for
extraordinary
purposes.Power to con-
struct works.Description of
works autho-
rised.Power to levy
rates.

Tramways.

Further powers
as to works
and lease of
the same, tolls,
&c.Power to
Board of Trade
to revise rates.

lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier, promenade, jetty, landing-places, and works, and the conveniences connected therewith.

4. The Company may purchase and hold for extraordinary purposes any land, not exceeding in the whole four acres. 5

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier, jetty, or landing-place and works authorised by this Order. 10

6. The works authorised by this Order comprise the following :

A pier, jetty, or landing-place, with all proper works, roads, approaches, buildings, and other conveniences connected therewith and incidental thereto, such pier to commence at a point about thirty yards east of the toll-house now standing in front of the Drummond Arms Hotel, in Hythe, and pass thence in a north-easterly direction across the mudlands into the estuary of the sea known as Southampton Water, for a distance of two thousand two hundred feet, or thereabouts, which said works will all be situate in or adjoining the parish of Fawley, in the county of Southampton. 15 20

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by the last preceding section of this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier, jetty, landing-place, and works, demand and receive in respect of vessels, boats, animals, fish, goods, and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule. 25

8. The Company may lay down tramways on the pier, promenade, and approaches thereto, and run carriages thereon for hire. 30

9. The Company may erect upon the pier, or approaches thereto, toll-houses and other buildings, and may lease the same, as well as the tramways by this Order authorised to be laid down, either wholly or in part, for any period not exceeding three years, to take effect in possession; and may also lease the rates authorised to be taken by this Order, for any period not exceeding three years, to take effect in possession, and upon such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease all the same power of levying and recovering rates as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise to which the Company are subject under this Order. 35 40

10. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid-up capital of the Company on the average of the then three last preceding years amount to or exceed the rate of 45

ten per centum per annum on the nominal value of such capital, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates received by the Company to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such

A.D. 1875.

Hythe.

- 5 requirement they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that if at any subsequent time the clear annual profits derivable as before mentioned fall below the said rate of ten per centum per annum the Company may, with the sanction of the Board of Trade, again raise the said rates to an amount not
- 10 exceeding the amount authorised by this Order.

11. The Company, within one month after sending to the clerk of the peace for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to such account. If the
- 15 Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Company to
send annual
account to
Board of Trade.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United
- 20 Kingdom, shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from tolls, rates, and duties leviable under this Order.

Certain fishing
vessels under
stress of
weather exempt
from rates.

13. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works at such rates, on such terms, and
- 25 for such periods not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or
- 30 counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Pass tickets for
use of pier.

- 35 14. Officers of customs, in the execution of their duty, shall at all times have free ingress, passage, and egress on, to, over, and from the pier and works by land and with their vessels, without payment.

Exemption of
custom house
officers from
rates.

15. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats,
- 40 cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable: Provided always, that the Company shall only lay down such
- 45 buoys and moorings as shall be necessary for securing vessels and enabling vessels to go alongside the pier and works, and to use the same without driving

Steam engines,
diving bells,
lighters, &c.

A.D. 1875. on the pier, and the Company shall not lay down any buoys or moorings at a greater distance from the shore than the outer end of the pier.

Hythe.

Meters and
weighers.

16. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

As to lights
during con-
struction of
works.

17. Before commencing the works authorised by this Order the Company 5 shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during 10 the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights
after comple-
tion of works.

18. After completion or permanent discontinuance of the works authorised 15 by this Order the Company shall, at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding ten 20 pounds for every calendar month during which they omit so to apply.

Restriction in
use of pier.

19. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier or jetty 25 for recreation or for the embarking or landing of passengers.

Parts of Har-
bours, &c. Act,
1847, excepted.

20. Sections sixteen, seventeen, eighteen, and nineteen of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Part V. of
24 & 25 Vict.
c. 47. to apply.

21. Part V. of "The Harbours and Passing Tolls, &c. Act, 1861," shall 30 apply to the works authorised by this Order.

Power to vary
exemptions
from rates, and
to enter into
compositions,
&c.

22. The Company may confer, vary, or extinguish, from time to time, exemptions from and enter into composition with any person or persons with respect to the payment of tolls, rates, or duties authorised by this Order, and may confer, vary, or extinguish, by agreement, all other rights and privileges 35 in such manner as they may deem necessary for their undertaking, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Power to pur-
chase or ease
similar under-
takings.

23. The Company may, by agreement, purchase, on such terms as may be agreed upon, the undertaking of the Hythe Hard Company, authorised by the 40 7th and 8th Victoria, cap. 77., and from and after such purchase all the rights, powers, privileges, duties, obligations, and liabilities of the Hythe Hard Company shall be transferred to the Company: Provided always, that when

such purchase shall have been completed, and when the works authorised by this Order shall have been completed and opened for public traffic, such works shall be deemed, treated, and considered for all purposes as in lieu of, or in substitution for, the works comprised in the undertaking so purchased, and such last-mentioned works and undertaking may be abandoned.

A.D. 1875.
Hythe.

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights under "Crown Lands Act, 1866."

25. Nothing in this Order contained shall prejudice or interfere with the rights, authority, and jurisdiction of the Southampton Harbour and Pier Board, whether as to buoys or moorings, or otherwise, as conferred on them by their Act of the year 1863, so far as the same may be capable of being exercised consistently with the objects of this Order.

Rights of Southampton Harbour Board.

26. In the following cases; (that is to say),
(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

Power to cease in certain events.

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purpose of this Order, be conclusive evidence of the fact stated in such certificate.

27. From and after the passing of the Act confirming this Order the Hythe Pier Order, 1871, confirmed by the Pier and Harbour Orders Confirmation Act, 1871 (No. 2), shall be and the same is hereby repealed.

Repeal of Order of 1871.

28. All costs, charges, and expenses of and incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Company.

Costs of Order.

29. This Order may be cited as "The Hythe Pier Order 1875."

Short title.

A.D. 1875.

Hythe.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS.

	<i>s.</i>	<i>d.</i>
For every ship, boat, or vessel exceeding ten tons burden coming from or going to any port or place in Great Britain or Ireland, and using the pier for taking in or discharging cargo, and not being a steam vessel - - - - - per registered ton	0	1
For every such ship, boat, or vessel as last mentioned coming from or going to any foreign port or place - - - per registered ton	0	2
For every steam vessel or steamboat using the pier for taking in or discharging passengers or cargo - - - per registered ton	0	1
For yachts and vessels kept for pleasure and using the pier for landing or embarking, per month - - - per registered ton	0	3
Or, at the option of the owner of the same, per annum per registered ton	1	0
For barges and lighters using the pier for taking in or discharging cargo, per annum - - - - - per ton	15	0
Or, at the option of the owner of the same, per month, per ton -	4	0
Or, at the option of the owner of the same, per voyage - per ton	0	1
For the time any vessel shall make fast to or remain at the pier beyond the period necessary for taking in or discharging cargo:		20
If such time shall not exceed one hour - - - per registered ton	0	0½
Exceeding one hour and not exceeding two hours - per registered ton	0	1
Exceeding two hours and not exceeding three hours per registered ton	0	1½
Exceeding three hours and not exceeding four hours per registered ton	0	2
Exceeding four hours and not exceeding five hours per registered ton	0	2½
Exceeding five hours and not exceeding six hours - per registered ton	0	3
Exceeding six hours and not exceeding twelve hours per registered ton	0	4
Exceeding twelve hours, for every further twelve hours or part of twelve hours - - - - - per registered ton	0	4
For every vessel making fast to or remaining at the pier for any period not exceeding twenty-four hours - - - per registered ton	1	0
And for each further period of twenty-four hours, or any part of twenty-four hours - - - - -	1	0

II.—RATES ON PERSONS AND GOODS.

For every passenger and person who shall land on or embark from the pier or other works, for each time - - - - -	0	1
Each passenger is allowed to take packages, being his or her property, not exceeding together 50 lbs., free of toll.		
For every other box, trunk, bale, bag, basket, or parcel of passengers' luggage - - - - -	0	1

		s.	d.	A.D. 1875.
	For every person who shall use the said pier or other works for the purpose of walking for exercise, pleasure, or otherwise - -	0	1	<u>Hythe.</u>
	For every four-wheeled carriage landed on or embarked from the said pier or other works constructed for drawing by two horses - -	3	6	
5	If constructed for drawing by one horse - - - -	1	6	
	For every two-wheeled ditto - - - -	1	0	
	For every Bath chair or perambulator - - - -	0	3	
	For every sack of wheat, oats, rye, barley, malt, beans, peas, tares -	0	0½	
10	Bacon, pork, or hams, under half a cwt. - - - -	0	0½	
	Above half a cwt. - - - -	0	1	
	And so on in proportion.			
	Bale, every box, truss, trunk, case, chest, bundle, basket, or parcel containing goods not herein enumerated under half a cwt. - -	0	0½	
15	Above half a cwt. - - - -	0	1	
	Above one cwt. 1½d., and so on upwards.			
	Barley meal - - - - per sack	0	0½	
	Battens - - - - per hundred	0	3	
	Bedsteads, mahogany - - - - each	0	3	
20	Others - - - - each	0	1½	
	Billiard tables - - - - each	1	3	
	Boards or battens, close - - - - per hundred	0	2	
	Boats - - - - each	0	6	
	Bricks, fire - - - - per thousand	0	5	
25	„ building - - - - per thousand	0	4	
	Calves - - - - each	0	1½	
	Carts - - - - each	0	6	
	Chalk - - - - per ton	0	1	
	Coals, culm, splint, coke, or cinder - - - - per ton	0	2	
30	Cows - - - - each	0	3	
	Deals - - - - per load, containing fifty cubic feet	0	6	
	Dogs - - - - each	0	1	
	Donkeys - - - - each	0	1	
	Dung - - - - per ton	0	1	
35	Faggots - - - - per hundred	0	2	
	Fire wood - - - - per cord	0	1½	
	Flour - - - - per sack of five bushels	0	1	
	„ - - - - per barrel	0	1	
	Hay - - - - per ton	0	6	
40	Hops - - - - per bag	0	3	
	„ - - - - per pocket	0	2	
	Household goods - - - - per waggon load	2	6	
	„ - - - - per cart load	1	3	
	Hides, raw or tanned - - - - each	0	0½	
45	Hoops - - - - per bundle	0	0½	
	Horses - - - - each	0	6	
	Hurdles - - - - per hundred	0	6	

A.D. 1875.

Hythe.

		s.	d.	
Lambs	each	0	0½	
Laths	per five bundles or less	0	0½	
Lathwood	per fathom	0	2	
Lead	per cwt.	0	2	5
Lime	per ton	0	3	
Mahogany, in logs or planks	per foot cube	0	2	
Malt	per quarter	0	1	
Marble	per cwt.	0	2	
Oak or elm planks	per load, containing 30 cubic feet	0	3	10
Oxen	each	0	3	
Peas	per quarter	0	1	
„ split	per sack	0	1	
Pianofortes	each	2	6	
Pictures	each	0	2	15
Pigs	each	0	1	
Pitch and tar	per barrel	0	1	
„	per half barrel	0	0½	
Posts and rails	per dozen	0	2	
Potatoes	per bushel	0	0½	20
Sand (or gravel)	per ton	0	2	
And if less than a ton	by per cwt.	0	3	
Seed	per cwt.	0	0½	
Sheep	each	0	0½	
Shovels	per dozen	0	1	25
Skins, goat, dog, calf, sheep, or lamb	each	0	0¼	
Slates	per ton	0	2	
And if less than a ton	by per cwt.	0	3	
Sofas	each	0	3	
Stone	per ton	0	1	30
Straw	per ton	0	2	
Tables	per set	0	6	
„	each	0	1	
Tea	per quarter chest	0	1	
And so on in proportion for any greater or less quantity than a half chest.				35
Tiles	per thousand	0	3	
Timber	per load, containing 50 cubic feet	0	6	
Tombstones	each	0	6	
„ marble	each	3	0	
Turtle	each	2	6	40
Vinegar	per gallon	0	0½	
Wool, yarn, or cotton	per cwt.	0	2	
Wainscot logs	per cwt.	0	4	
Whitening	per hogshead	0	3	
Wine, sweet oil, or spirits, contained in any butt, pipe, puncheon, or piece, or any cask whatsoever	per butt	1	0	45
„	per hogshead	0	8	
„	per half hogshead or less	0	4	

	s.	d.	A.D. 1875.
Wine, bottled, in hamper and cases	0	1	
per dozen bottles			
Witheys	0	2	<i>Hythe.</i>
per 10 bundles			
Wood	0	1	
per fathom			

- 5 All goods and packages, articles and things, which are most usually or may be most conveniently or fairly measured by weight, not herein enumerated, to pay at the rate of, if less than a cwt. 0 1
 If one cwt. and less than two cwt. 0 2
 If two cwt. or less than three cwt. 0 3
 10 If three cwt. and less than four cwt. 0 5
 And so upwards.
 All goods and packages, articles and things, which are most usually or may be most conveniently or fairly measured by superficial extent, not herein enumerated, to pay at the rate of, if less than one cubic
 15 foot 0 0½
 If one cubic foot and less than two 0 1
 If two cubic feet and less than three 0 1½
 If four cubic feet and less than five 0 2
 And so upwards.
 20 All live animals not herein enumerated to pay each 0 1

WITHERNSEA.

Withernsea.

Order for the construction, maintenance, and regulation of a Pier at Owthorn, adjoining Withernsea, in the East Riding of the County of York.

- 25 1. The Withernsea Pier, Promenade, Gas, and General Improvement Company (Limited), hereafter in this Order called "the Company," shall be the Undertakers of the works authorised by this Order. The Undertakers.
2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," except so much thereof respectively as relates to the purchase and taking of lands
 30 otherwise than by agreement, and "The Companies Clauses Consolidation Act, 1845," "The Companies Act, 1862," "The Companies Clauses Act, 1863," and "The Railway Clauses Act, 1863," are hereby incorporated with this Order. Incorporation of Lands Clauses and other Acts.
3. For the purposes of the works authorised by this Order the Company may from time to time, by agreement, enter on, take, and use all or any part of
 40 the lands shown on the deposited plans as they may think requisite for the purposes of the proposed works. Power to take specified lands by agreement.
4. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole five acres. Land for extraordinary purposes.
5. Subject to the provisions of this Order, and subject also to such alterations
 45 (if any) in the deposited plans as the Board of Trade require from time to time Power to make works.

A.D. 1875.

Withernsea.

before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

5

Description of
works autho-
rised.

6. The works authorised by this Order comprise the following :

A pier, jetty, landing-places, with all proper works, approaches, and other conveniences connected therewith, for promenade and for embarking and landing of passengers, fish, cattle, goods, and merchandise, and for the safe keeping of boats ; such jetty, pier, and landing-place to commence at or near the centre of the eastern side of a piece of land belonging to the North-eastern Railway Company, now in the occupation of the Company, and bounded on the north by the road leading from the Owthorn and Patrington highway to the cliff or shore of the North Sea, and on the south by a private road belonging to Messieurs Storr and Dalton, also leading from the said Owthorn and Patrington highway to the cliff or shore of the said North Sea, situate in the parish of Withernsea-in-Holderness, in the east riding of Yorkshire, and proceeding thence in an easterly direction towards and below low-water mark to a distance of one thousand two hundred feet, of a width of not less than fourteen feet, and a height above high-water mark of not less than sixteen feet, including a landing stage or stages at the end of such pier and approaches, and conveniences connected therewith, for the embarking and landing of passengers, fish, cattle, goods, and merchandise, and the construction of a tramway for the carriage of fish and other goods from the pier across the said Owthorn and Patrington highway into the railway station of the North-eastern Railway Company at Withernsea aforesaid ; also proper approaches to the pier, leading from the said pier northwards on the cliff to the said road leading from the Owthorn and Patrington highway to the cliff or shore of the North Sea, and which road is in the parish of Owthorn-in-Holderness aforesaid, and the southern side thereof is the extreme boundary of the parish of Owthorn where the same parish adjoins the parish of Withernsea aforesaid, and also approaches to the pier leading from the pier southwards on the cliff to a road leading from the Owthorn and Patrington highway to the cliff or shore of the North Sea, and which road is in the parish of Withernsea, on the north side of lands the property of Robert Foster, but lately contracted to be sold to the Company, and now in the occupation of Henry Johnson ; and to alter the approaches as in the plans and sections deposited particularly shown.

Power to take
rates according
to schedule to
this Order.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier, jetty, landing-place, and works, demand and receive in respect of vessels, boats, goods, persons, and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule.

Power to erect
toll-houses,
shops, &c.,
and lease same,
and tolls, &c.

8. The Company may erect upon or near to the pier and works or approaches, toll-houses, shops, saloons, bazaars, and reading, refreshment, and other rooms, and may lease the same or any of them upon such terms and conditions, and for

45

such period not exceeding three years, to take effect in possession as the Company think fit, and the Company may also lease the tolls, rates, and dues authorised to be taken by this Order, upon such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease all the same powers of levying and recovering tolls, rates, and dues as the Company have or might exercise under this Order, and shall be subject to the same provisions, as to accounts and otherwise, as the Company are subject to under this Order.

A.D. 1875.

Withernsea.

9. If at any time it appear to the Board of Trade that the clear annual profits divisible on the capital of the Company, subscribed and paid up, and applied for the purposes of this Order, on the average of the then three last preceding years, amount to or exceed the rate of ten per centum per annum on the nominal value of such capital, the Board of Trade may, if they in their discretion think fit, require the Company to reduce the rates received under this Order by the Company to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that if at any subsequent time the clear annual profits divisible as before mentioned fall below the said rate of ten per centum per annum the Company may, with the sanction of the Board of Trade, again raise the said rates to an amount not exceeding the amount authorised by this Order.

Power of Board of Trade to revise rates.

10. The Company, within one month after sending to the clerk of the peace for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section sixteen of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Company to send annual account to Board of Trade.

11. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

12. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier and works on such terms and conditions, and for such a period not exceeding one year, as may be agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses

Company may contract with persons for the use of pier.

A.D. 1875. Act, 1847 " (for all the purposes of which Act this Order shall be deemed the special Act).

Withernsea.

Custom-house officers exempt from rates.

13. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land, and with their vessels and otherwise, without payment. 5

Life boat crew exempt from tolls.

14. All persons going to or returning from any life boat, or using any apparatus for saving life, and being persons either belonging to the crew of the life boat or to the coast-guard, or being persons for the time being actually employed in saving life, or in exercising or using the life boat, or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the pier without payment. 10

Life saving apparatus may be attached to pier.

15. The officers of the coast-guard, and all other persons for the time being actually employed in connexion with the life boat or the apparatus for saving life, may either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the pier spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier. 15

Steam engines, diving bells, lighters, &c.]

16. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, dredging machines, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable. 20 25

Meters and weighers.

17. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Part of Harbours, &c., Act, 1847, excepted.

18. The following sections of "The Harbours Docks and Piers Clauses Act, 1847," shall not be incorporated with this Order; namely, sections sixteen to nineteen inclusive, and twenty-one to twenty-three inclusive. 30

Part V. of 24 & 25 Vict. c. 47. to apply.

19. Part V. of "The Harbours and Passing Tolls, &c. Act, 1861," shall apply to the works authorised by this Order.

Restrictions on use of pier.

20. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier, jetty, or landing-place authorised by this Order any sheep, cattle, or merchandise, or to ship or unship anything which in the judgment of the Company might in any manner interfere with the use of the pier, jetty, or landing-place for recreation, or for the embarking or landing of passengers. 35

As to lights during construction of works.

21. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall 40

satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

A.D. 1875.
Withernsea.

- 5 22. After completion or permanent discontinuance of the works authorised by this Order, the Company shall at the outer extremity of the pier and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as
10 to lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

As to lights after completion of works.

23. In the following cases, that is to say:

Power to cease in certain events.

- (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or
15 (2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,
the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised except as to so much of such works as
20 shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be
25 conclusive evidence of the fact stated in such certificate.

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests,
30 powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights under Crown Lands Act, 1866.

25. From and after the passing of the Act confirming this Order, The Withernsea Pier Order, 1872, confirmed by The Pier and Harbour Orders Confirmation Act, 1872 (No. 1), shall be and is hereby repealed.

Repeal of Order of 1872.

- 35 26. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Company.

Costs of Order.

27. This Order may be cited as "The Withernsea Pier Order, 1875."

Short title.

A.D. 1875.

Withernsea.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	£	s.	d.	
For every passenger or other person landing on the pier from or embarking from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding - - -	0	0	6	5
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - - -	0	0	2	
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - -	0	0	6	10
For every perambulator taken on the pier, for each time any sum not exceeding - - -	0	0	2	
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - -	1	0	0	15

II.—RATES ON PASSENGERS LUGGAGE LANDED OR SHIPPED.

	£	s.	d.	
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs. - - -	0	0	2	20
Over 28 lbs. and not exceeding 84 lbs. - - -	0	0	4	
„ 84 lbs. „ 112 lbs. - - -	0	0	5	
„ 112 lbs. „ 140 lbs. - - -	0	0	6	
„ 140 lbs. „ 196 lbs. - - -	0	0	7	25
„ 196 lbs. „ 2 cwt. - - -	0	0	8	
And for every 20 lbs. weight in addition - - -	0	0	1	

III.—RATES ON VESSELS USING THE PIER.

	£	s.	d.	
For every vessel under the burden of 15 tons - per registered ton	0	0	4	30
For every vessel of } 15 tons and under 50 tons per registered ton	0	0	6	
„ „ 50 „ „ 100 tons per registered ton	0	0	8	
„ „ 100 „ „ 150 tons per registered ton	0	0	10	
„ „ 150 tons and upwards - per registered ton	0	1	0	35
All lighters, for each trip - - - per ton	0	0	2	
All boats entirely open, landing or taking on board goods - each	0	0	6	

IV.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	£	s.	d.	
Ale, beer, and porter - - - per hogshead	0	0	6	40
Ale, bottled - - - per barrel	0	0	4	
„ - - - per dozen bottles	0	0	1	
Anchors - - - per cwt.	0	0	9	

		£	s.	d.	A.D. 1875.
	Anchor stock - - - - - per foot run	0	0	2	Withernsea.
	Bark - - - - - per ton	0	2	0	
	Bedding - - - - - per bundle	0	0	3	
5	Beef or pork - - - - - per cwt.	0	0	3	
	" - - - - - per barrel	0	0	6	
	Biscuits or bread - - - - - per cwt.	0	0	3	
	Blubber - - - - - per ton of 252 gallons	0	3	0	
	Bones and bone dust - - - - - per ton	0	1	6	
10	Bottles - - - - - per gross	0	0	9	
	Bricks - - - - - per 1,000	0	1	6	
	Butter and lard - - - - - per barrel	0	0	6	
	" - - - - - per firkin	0	0	3	
	Cables, iron or hempen - - - - - per ton	0	3	0	
15	Canvas - - - - - per bolt	0	0	1	
	Carriages :				
	Chaises and other four-wheeled carriages - - - each	0	7	6	
	Gigs, carts, and other two-wheeled carriages - - - each	0	5	0	
	Hand carts and perambulators - - - - -	0	1	0	
20	Casks (empty), not being returned packages - - - per puncheon	0	0	3	
	Other casks in proportion.				
	Cattle :				
	Bulls, cows, and oxen - - - - - each	0	3	0	
	Calves - - - - - each	0	1	0	
25	Horses - - - - - each	0	4	0	
	Pigs - - - - - each	0	0	6	
	Sheep - - - - - each	0	0	6	
	Chalk - - - - - per ton	0	1	0	
	Cheese - - - - - per cwt.	0	0	4	
30	Chimney pots - - - - - each	0	0	3	
	Clay - - - - - per ton	0	1	0	
	Cloth, haberdashery, &c. - - - per package not exceeding 1 cwt.	0	0	6	
	Coals - - - - - per ton	0	1	0	
	Copper - - - - - per ton	0	3	0	
35	Cordage - - - - - per cwt.	0	0	3	
	Corks - - - - - per cwt.	0	0	6	
	Crystal - - - - - per box or package	0	0	6	
	Dogs - - - - - each	0	0	6	
	Drugs (in casks, hampers, or boxes) - - - per foot	0	0	2	
40	Earthenware (in crates) - - - per foot	0	0	1	
	Eggs - - - - - per box	0	2	0	
	Fish (dried and salted) - - - per cwt.	0	0	3	
	" (fresh) not enumerated - - - - -	0	0	2	
	Flax - - - - - per ton	0	2	0	
45	Flour and meal - - - - - per sack	0	0	4	
	" - - - - - per barrel	0	0	3	
	Furniture (household) - - - - - per 5 cubic feet	0	0	4	

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		£	s.	d.	
Fruit	- - - - -	per bushel or sieve	0	0	4
Glass	- - - - -	per large crate	0	1	6
"	- - - - -	per small crate or case	0	1	0
"	- - - - -	per box	0	0	6
Grains and seeds	- - - - -	per quarter	0	0	6
Groceries, not enumerated	- - - - -	per cwt.	0	0	6
Guano	- - - - -	per ton	0	1	6
Gunpowder	- - - - -	per barrel or keg	0	0	6
Hams, bacon, or tongues	- - - - -	per cwt.	0	0	4
Hardware	- - - - -	per ton	0	2	6
Hares and rabbits	- - - - -	per dozen	0	0	4
Hay	- - - - -	per ton	0	1	6
"	- - - - -	per truss	0	0	2
Hemp	- - - - -	per ton	0	2	0
Herrings (fresh)	- - - - -	per 1,000	0	0	3
" (cured)	- - - - -	per barrel	0	0	3
Hides :					
Ox, cow, or horse (wet or dry)	- - - - -	each	0	0	2
Iron :					
Bar, bolt, rod, and shots	- - - - -	per ton	0	1	6
Pig and old	- - - - -	per ton	0	1	0
Manufactured	- - - - -	per ton	0	2	6
Pots	- - - - -	each	0	0	1
Kelp	- - - - -	per ton	0	2	0
Lead	- - - - -	per ton	0	2	6
Leather (tanned and dressed)	- - - - -	per cwt.	0	0	4
Lime	- - - - -	per 28 bushels	0	1	4
Limestone	- - - - -	per ton	0	1	0
Machinery	- - - - -	per ton	0	2	6
Manure (not enumerated)	- - - - -	per ton	0	1	0
Masts and spars, 10 inches in diameter and upwards	- - - - -	each	0	4	6
" under 10 inches	- - - - -	each	0	3	0
Meat (fresh)	- - - - -	per cwt.	0	0	6
Milk	- - - - -	per gallon	0	0	0 $\frac{1}{2}$
Musical instruments	- - - - -	per cubic foot	0	0	1
Nets	- - - - -	per 5 cubic feet	0	0	4
Oakum	- - - - -	per cwt.	0	0	2
Oils	- - - - -	per tun	0	2	0
Oilcake	- - - - -	per ton	0	2	0
Oranges and lemons	- - - - -	per box	0	0	6
Ores	- - - - -	per ton	0	1	0
Oysters	- - - - -	per bushel	0	0	3
Paint	- - - - -	per cwt.	0	0	4
Pitch and tar	- - - - -	per barrel	0	0	6
Potatoes	- - - - -	per cwt.	0	0	2
Poultry and game	- - - - -	per dozen	0	0	4
Rags and old rope	- - - - -	per ton	0	2	0

					£	s.	d.	A.D. 1875.	
Sails - - - - -					per cwt.	0	0	6	Withernsea.
Salt - - - - -					per cwt.	0	0	1	
Sand - - - - -					per ton	0	1	0	
5	Shrimp baskets - - - - -					each	0	0	2
Skins :									
Calf, goat, sheep, lamb, or dog - - - - -					per dozen	0	0	6	
Slates - - - - -					per ton of 24 cubic feet	0	2	0	
Spirits - - - - -					per hogshead	0	1	0	
10	„ - - - - -					per gallon	0	0	1
Stones - - - - -					per ton of 16 cubic feet	0	1	6	
Steel - - - - -					per ton	0	3	0	
Sugar - - - - -					per cwt.	0	0	3	
Tallow, soap, and candles - - - - -					per cwt.	0	0	3	
15	Tea - - - - -					per chest	0	1	0
Tiles - - - - -					per thousand	0	1	6	
Tin and zinc - - - - -					per ton	0	3	0	
Tobacco - - - - -					per cwt.	0	0	6	
Turbot - - - - -					per score	0	0	3	
20	Turnips - - - - -					per ton	0	0	6
Turpentine and varnish - - - - -					per barrel	0	0	6	
Turtle - - - - -					each	0	2	6	
Vegetables (not enumerated) - - - - -					per cwt.	0	0	4	
Vinegar - - - - -					per hogshead	0	0	6	
25	Vitriol - - - - -					per carboy	0	0	1
Water - - - - -					per cask	0	0	3	
Wine - - - - -					per hogshead	0	1	0	
„ (bottled) - - - - -					per dozen bottles	0	0	2	
Wood :									
30	Fir, pine, and other descriptions (not enumerated)					per load of			
					50 feet	0	1	6	
Oak or wainscot - - - - -					per load of 50 feet	0	2	0	
Firewood - - - - -					per 216 cubic feet fathom	0	1	6	
Wood :									
35	Laths and lathwood - - - - -					per fathom of 216 cubic feet	0	2	6
Handspikes - - - - -					per 120	0	3	0	
Oars - - - - -					per 120	0	5	0	
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter - - - - -					per 120	0	4	0	
40	„ 2½ inches in diameter and under - - - - -					per 120	0	5	0
„ 22 feet in length and upwards, and not exceeding 4 inches in diameter - - - - -					per 120	0	9	0	
„ above 4 and under 6 inches in diameter - - - - -					per 120	0	14	0	
Spokes of wheels, not exceeding 2 feet in length - - - - -					per 120	0	2	0	
45	„ exceeding 2 feet in length - - - - -					per 120	0	3	0
„ treenails - - - - -					per 1,000	0	2	6	
„ wedges - - - - -					per 1,000	0	2	6	
Pipe staves and others in proportion - - - - -					per 120	0	2	6	
Lignum vitæ, fustic, logwood, mahogany, and rosewood					per ton	0	2	0	

A.D. 1875.

							£	s.	d.
Withernsea.	Wool	-	-	-	-	-	per cwt.	0	0 4
	Yarn	-	-	-	-	-	per cwt.	0	0 2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

						£	s.	d.	
Light goods	-	-	-	-	-	per cubic foot	0	0 1	5
Heavy goods	-	-	-	-	-	per ton	0	2 0	

In charging the rates on goods the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

10

V.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. *Rates of Craneage.*

						£	s.	d.	
All goods or packages not exceeding 1 ton	-	-	-	-	-	0	0 4		
Exceeding 1 ton and not exceeding 2 tons	-	-	-	-	-	0	0 6	15	
„ 2 tons	„	3 tons	-	-	-	0	0 8		
„ 3 tons	„	4 tons	-	-	-	0	0 10		
„ 4 tons	„	5 tons	-	-	-	0	1 0		
„ 5 tons	„	6 tons	-	-	-	0	1 2		
„ 6 tons	„	7 tons	-	-	-	0	1 4	20	
„ 7 tons	„	8 tons	-	-	-	0	1 6		
„ 8 tons	„	9 tons	-	-	-	0	1 10		
„ 9 tons	„	10 tons	-	-	-	0	2 4		
„ 10 tons	-	-	-	-	-	0	3 6		

2nd. *Weighing Machines.*

25

For goods weighed -	-	-	for each ton or part of a ton	0	0 2
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3rd. *Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3d.; and the sum of 1½d. per ton for each day during which such goods shall remain after the first 48 hours.

30

For every portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day - per package 0 0 2

VI.—RATES FOR LAYING WATER MAIN ON PIER.

35

Water	-	-	-	-	-	per ton	0	0 6
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VII.—RATES FOR THE USE OF READING ROOM.

For each and every person who shall use the reading room, for each and every time any sum not exceeding - - 0 0 6

Pier and Harbour Orders Confirmation.

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bournemouth, Carnlough, Clacton-on-sea, Folkestone, Hythe (Southampton), and Withernsea.

(Prepared and brought in by
*Mr. Cavendish Bentinck and
Sir Charles Adderley.*)

*Ordered, by the House of Commons, to be Printed,
7 April 1875.*

[Bill 111.]

Under 5 os.

A

B I L L

FOR

Confirming a Provisional Order made by the Board of Trade A.D. 1875.
under the General Pier and Harbour Act, 1861, relating
to Carlingford Lough.

WHEREAS a Provisional Order made by the Board of Trade 24 & 25 Vict. c. 45.
under The General Pier and Harbour Act, 1861, is not of
any validity or force whatever until the confirmation thereof by Act
of Parliament :

5 And whereas it is expedient that the Provisional Order made by
the Board of Trade under the said Act, and set out in the schedule
to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The Order set out in the schedule to this Act shall be and the Confirmation
of Order in
schedule.
same is hereby confirmed, and all the provisions thereof in manner
and form as they are set out in the said schedule shall, from and
15 after the passing of this Act, have full validity and force.

2. This Act may be cited as the Pier and Harbour Orders Short title.
Confirmation Act, 1875 (No. 2).

A.D. 1875.

*Carlingford
Lough.*

SCHEDULE.

CARLINGFORD LOUGH.

Order for the Amendment of the Harbour of Carlingford Lough Improvement Orders, 1864, 1868, and 1874.

Short title.

1. This Order may be cited as "The Harbour of Carlingford Lough Improvement Order, 1875," and this Order and "The Harbour of Carlingford Lough Improvement Order, 1864," (in this Order called "the Order of 1864,") "The Harbour of Carlingford Lough Improvement Order, 1868," (in this Order called "the Order of 1868,") and "The Harbour of Carlingford Lough Improvement Order, 1874," (in this Order called "the Order of 1874,") shall be read and construed together as one Order, and the four Orders may be cited together as "The Harbour of Carlingford Lough Improvement Orders, 1864, 1868, 1874, and 1875."

Time for completion of works.

2. Notwithstanding anything in the Orders of 1864, 1868, and 1874 contained, the works authorised to be executed by the Orders of 1864 and 1874 may be executed at any time within the period of five years from the day of the date of the passing of the Act confirming this Order, and on the expiration of such five years the powers by the Orders of 1864, 1868, and 1874, given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as may be completed within such period of five years.

New schedule of rates substituted.

3. On and after the first day of September one thousand eight hundred and seventy-five, the schedule to the Order of 1864, and the addition made by the Act confirming that Order to the exemptions contained in that schedule, shall be deemed to be and are hereby cancelled, and the schedule to this Order shall be deemed to be and is hereby substituted in place of the schedule to the Order of 1864, and the Orders of 1864, 1868, and 1874 shall, subject to the provisions of this Order, be construed accordingly.

Commencement of new rates.

4. Notwithstanding anything to the contrary contained in "The Harbours, Docks, and Piers Clauses Act, 1847," the rates specified in the schedule to this Order and by this Order as construed together with the Orders of 1864, 1868, and 1874, authorised to be levied and received, may be levied and received on and after the first day of September one thousand eight hundred and seventy-five.

Saving agreement with London and North-western Railway Company.

5. This Order shall not affect prejudicially or otherwise any agreement already made between the Commissioners and the London and North-western Railway Company, whereby it is provided that one steam vessel of that Company entering Carlingford Lough and discharging or loading cargo there daily shall not, until after the first day of May one thousand eight hundred and ninety-three, be charged with any greater amount than the sum of threepence per registered ton on the registered tonnage of such steam vessel; but such agreement, if and so far as the same is authorised by law, shall be binding on

the Commissioners in like manner and to the same extent as if this Order had not been made. A.D. 1875

6. Without prejudice to the rights of existing mortgagees, the Commissioners shall apply the moneys from time to time borrowed by them, or received by them from the rates, tolls, and dues authorised by this Order, or from the lands or property connected therewith, for the purposes authorised by the Orders of 1864, 1868, and 1874. *Carlingford Lough.* Application of funds.

7. Nothing in this Order or the schedule to this Order contained shall operate to give effect to any exemption from dues not allowed under the provisions of The Shipping Dues Exemption Act, 1867. Saving of Shipping Dues Act, 1867.

8. The Commissioners shall pay the costs and expenses of and connected with the preparation for, obtaining, and making of this Order, or otherwise in relation thereto, out of the moneys which now are or may hereafter come into their hands. Costs of Order.

15 The SCHEDULE to which the foregoing Order refers.

		<i>s.</i>	<i>d.</i>
	For every sailing vessel of and under 300 tons register entering Carlingford Lough and discharging cargo there - per registered ton	0	2
20	For every sailing vessel exceeding 300 tons register entering Carlingford Lough and discharging cargo there - per registered ton	0	3
	For every steam vessel entering Carlingford Lough and discharging or loading cargo there, which for loading or unloading is dependent on tidal waters within the harbour - - per registered ton	0	1½
25	For all other steam vessels entering Carlingford Lough and discharging or loading cargo there - - per registered ton	0	6
	For every vessel entering Carlingford Lough for refuge, without delivering or loading cargo there;—		
	Being sailing vessels exceeding 100 tons register, and steam vessels exceeding 150 tons register, but not in case of either		
30	kind of vessels exceeding 500 tons register per registered ton	0	2
	Being sailing vessels or steam vessels exceeding 500 tons register per registered ton	0	3

EXEMPTIONS.

- 35 All sailing vessels of and under 75 tons register, and all steam vessels of and under 100 tons register.
- All sailing vessels of and under 150 tons register, and all steam vessels of and under 200 tons register, delivering or loading cargo at the town or in the river of Newry, north of Old Narrow Water Castle.
- 40 All sailing vessels of and under 100 tons register, and all steam vessels of and under 150 tons register entering Carlingford Lough for refuge without delivering or loading cargo there.

Pier and Harbour Orders Confirmation (No. 2).

A

B I L L

For confirming a Provisional Order made
by the Board of Trade under the General
Pier and Harbour Act, 1861, relating
to Carlingford Lough.

(*Prepared and brought in by*
Mr. Cavendish Bentinck and
Sir Charles Adderley.)

Ordered, by The House of Commons, to be Printed,
8 April 1875.)

[Bill 113.]

Under 1 oz.

A
B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Brixham, Carrickfergus, Macduff, and Rosehearty. A.D. 1875.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall,
15 from and after the passing of this Act, have full validity and force. Confirmation
of Order in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1875 (No. 3). Short title.

A.D. 1875.

THE SCHEDULE OF ORDERS.

-
1. BRIXHAM.—Amendment of Local Acts.
 2. CARRICKFERGUS.—Construction of harbour works and amendment of former Orders.
 3. MACDUFF.—Construction of harbour works and amendment of Local Act. 5
 4. ROSEHEARTY.—Construction of harbour works and amendment of former Order.
-

Brixham.

BRIXHAM.

Order for amending the Acts with respect to the Harbour of Brixham in the county of Devon, and for making further provision in 10 regard to the said Harbour.

Order and
Harbour Acts
to be read
together.

1. This Order and the Acts incorporated herewith shall be read along with the Act of the thirty-ninth year of George III., chapter 6, intituled “An Act to enable the Lords of the Manor of Brixham, in the county of Devon, to repair and enlarge or rebuild the Pier or Quay at Brixham Quay, within the said manor; to improve the Harbour there, to regulate the mooring of Vessels therein, and to establish a Market there” (which Act is in this Order called “the Act of 1799”): And also along with the Act of the first year of Her present Majesty, chapter 75, (local and personal,) intituled “An Act for improving, enlarging, and maintaining the Pier, Harbour, and Market of Brixham, in the county of Devon, and for the formation of a Breakwater in Torbay,” (which last-mentioned Act is in this Order called “the Act of 1837,”) and the Act of 1799, and the Act of 1837, and this Order and the incorporated Acts shall be read and construed together as one Act or Order. 15 20

Undertakers.

2. The Commissioners for the time being under the Act of 1837, or under that Act and this Order, (in this Order called the Commissioners,) shall be the Undertakers for the purposes of this Order, and shall exercise all the powers and be subject to all the provisions of the Act of 1799, the Act of 1837, and this Order. 25

Commissioners
incorporated.

3. The Commissioners shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of but subject to the restrictions of this Order. 30

Transfer of
property and
liabilities to
Corporation.

4. All conveyances made to, and all contracts entered into with, the Commissioners or any person on their behalf, before the passing of the Act confirming this Order, shall be deemed to have been made to or entered into with the Commissioners as incorporated by this Order, and shall have effect accordingly; and all property, choses in action, rights, and interests belonging to or recoverable by the Commissioners under the Act of 1799 and the Act of 1837 shall vest in and be recoverable by the Commissioners as incorporated by this 35 40

Order; and the Commissioners as incorporated by this Order shall be subject to and shall undertake and perform all the liabilities and obligations of the Commissioners under the Act of 1799 and the Act of 1837. A.D. 1875.
Brixham.

5 5. Notwithstanding anything contained in the Act of 1799 or the Act of 1837, the whole of the Harbours, Docks, and Piers Clauses Act, 1847, except sections 25 and 26, shall be incorporated with this Order; and so much of the Act of 1799 and of the Act of 1837 as is inconsistent with the Harbours, Docks, and Piers Clauses Act, 1847, shall be and is hereby repealed on and after the 1st day of September 1875, but without prejudice to and so as not to affect the securities or rights of any mortgagee or creditor of the Commissioners at the time of the passing of the Act confirming this Order. Harbours,
Docks, &c.
Act incor-
porated.

10 6. The Lands Clauses Consolidation Acts, 1845 and 1860, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order. Incorporation
of Lands
Clauses Act.

15 7. Any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner, or by reason of the infancy or any other disability of any Commissioner. Powers not
to fail from
informality,
&c.

20 8. The Commissioners may from time to time, by agreement, enter on, take, and use, or may take on lease, for the purposes of the Act of 1799, the Act of 1837, or this Order, any lands adjoining or adjacent to the harbour; provided that the Commissioners shall not purchase or lease any land, except under the authority of a resolution passed by a majority of not less than three fifths of the Commissioners present at a meeting specially convened for the purpose. Power to take
lands by
agreement.

25 9. Notwithstanding anything contained in the Harbours, Docks, and Piers Clauses Act, 1847, and with the consent of the Board of Trade, the Commissioners may at any time and from time to time lease or grant the use of any wharf or yard, or any other land, not being a breakwater, for the construction or formation of dry docks, patent slips, ship-building yards, or other conveniences for the building or repairing of vessels, or for building lifeboat houses, boat houses, warehouses, or sheds, for such term of years, at such rent, and upon such terms and conditions as they think fit. Power to
lease wharfs,
&c.

30 10. On and after the first day of September one thousand eight hundred and seventy-five, sections 64 and 65 of the Act of 1837, and also the schedules (B.) and (C.) to that Act, shall be and are hereby repealed; and, subject and according to the provisions of this Order, the Commissioners may, for the use of the harbour and works, demand and take, in respect of the vessels, persons, fish, animals, goods, and things described in the schedules to this Order, any sums not exceeding the several rates in such schedule specified: Provided that any rates or duties due to the Commissioners before the first day of September one thousand eight hundred and seventy-five may be recovered as the rates and duties contained in the schedule to this Order are recoverable. Schedules to
Act of 1837
cancelled, and
new rates
substituted.
Rates in
schedules.

40 11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the pier, harbour, and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

A.D. 1875.

—
Brixham.
 Custom House
 officers exempt
 from rates.
 Fish salesmen
 to be licensed.

12. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, to, through, over, and from the harbour and works by land, and with their vessels and otherwise, without payment.

13. Every person, not being a fisherman, or a licensed or registered owner of a fishing boat, selling fish, whether by auction or otherwise, in the town or harbour of Brixham, shall apply to the Commissioners annually, in such manner as they shall from time to time appoint, for a licence, and shall pay for such licence such sum, not exceeding ten shillings, as the Commissioners shall from time to time order; and such licence shall remain in force for one year from the day to be therein mentioned, and shall be granted by the Commissioners without preference or favour to every person applying for the same, and not under this Order incapable of holding a licence.

Declaration
 and returns
 to be made by
 fish salesmen.

14. Every person applying for a licence under this Order to sell fish within the town or harbour of Brixham shall sign an undertaking in writing, in such form as the Commissioners shall require, to deliver weekly, on the day appointed for the purpose by the Commissioners, to the clerk to the fish market, or other person appointed by the Commissioners for the purpose, a true account in writing of the gross value of all fish sold by the licensee during the preceding week, and along with such account to pay and hand over to such clerk the amount of dues payable in respect of such sales under this Order.

Penalty for
 selling fish
 without
 licence.

15. Any person, not being a fisherman, or a licensed or registered owner of a fishing boat, selling fish within the town or harbour of Brixham, whether by auction or otherwise, without licence issued pursuant to this Order, shall be liable to a penalty not exceeding forty shillings for each offence, to be recovered in a summary manner before any two justices of the peace in petty sessions.

Penalty for
 not making
 returns.

16. Any person licensed under this Order who shall not make a true and correct return as required by this Order of the amounts received by such person for fish sold shall for the first offence be liable to a penalty not exceeding ten pounds or less than forty shillings, to be recovered in a summary manner before the justices in petty sessions assembled, and for a second offence shall be liable to a penalty not exceeding ten pounds, to be recovered in like manner, and, also at the discretion of such justices, to forfeiture of licence, and to be declared incapable of obtaining another licence for a period not exceeding two years from the date of the offence.

Fishermen
 selling their
 own fish to
 make return.

17. Every fisherman or licensed or registered owner of a fishing boat selling within the town or harbour of Brixham any fish caught by him or by his boat shall, within forty-eight hours from the sale thereof, make a true and correct return to the clerk to the fish market of the amount or value of the fish so sold, and shall pay to such clerk the amount of the dues payable in respect of such sale under this Order, and in case of neglect or omission so to do shall be liable for each offence to a penalty not exceeding five pounds, to be recovered in a summary manner before the justices in petty sessions assembled, in addition to the amount payable by him under this Order.

Fishermen
 only to sell
 their own fish
 unless licensed.

18. A fisherman or licensed or registered owner of a fishing boat shall not, unless duly licensed under this Order, be entitled to sell within the town or harbour of Brixham any fish not caught by him or by the boat of which he is the licensed or registered owner, and in respect of fish not so caught shall be

subject to the same licence, regulations, and penalties as a person not being a fisherman or a licensed or registered owner of a fishing boat. A.D. 1875.

Brixham.

19. The Commissioners may from time to time borrow and reborrow at interest, on mortgage of the rates authorised by this Order, any sum or sums of money which, with the sum of five thousand seven hundred and eighty pounds already borrowed and now due from the Commissioners, and secured on the existing harbour rates, shall not in the whole exceed together at one time the sum of twenty-five thousand pounds. Power to borrow.

20. All mortgages of rates or moneys paid or derived in respect of or from the harbour which have been granted by the Commissioners under the Act of 1769 or the Act of 1837, for securing money borrowed and remaining due at the time of the passing of the Act confirming this Order, shall operate and have effect as mortgages of the rates authorised by this Order, and shall have priority over all mortgages of such last-mentioned rates granted by the Commissioners for securing money borrowed after the passing of the Act confirming this Order. Existing mortgages to have priority.

21. The amount to be set apart annually as a sinking fund for the discharge of money borrowed under this Order shall not be less in each year than one per centum on the money borrowed under this Order, and shall be applied in paying off the principal money borrowed, as the Commissioners may think fit. Sinking fund under this Order.

22. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say, Application of money borrowed.

(1.) In payment of the costs and expenses of and incident to the preparation and making of this Order:

(2.) In payment of the principal sum of five thousand seven hundred and eighty pounds now due from the Commissioners and secured on the existing harbour rates:

(3.) In paying the cost of constructing, enlarging, and repairing the break-water and works authorised by the Act of 1837.

23. The clauses of the "Commissioners Clauses Consolidation Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order. "Commissioners Clauses Act, 1847," (part of), &c., incorporated.

24. Section 59 of the Act of 1837, except so far as the same relates to the transfer of any mortgage remaining in force at the time of the passing of the Act confirming this Order, and except so far as the same relates to borrowing on the security only of the market tolls specified in schedule D to that Act, and to mortgages and transfers of mortgages on such market tolls, shall be and is hereby repealed. Sect. 59 of Act of 1837 repealed.

25. Every part of the money borrowed under this Order shall be applied only for the purposes of the Act of 1799 and the Act of 1837 relating to the harbour and the purposes authorised by this Order. Application of money borrowed.

26. Any money borrowed under this Order, and discharged otherwise than by means of a sinking fund or by instalments, may be reborrowed, if required, and so from time to time. Reborrowing.

27. The mortgagees of the Commissioners may enforce the payment of arrears of interest, or of arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver; and the amount to authorise a requisition for a receiver is two thousand pounds. Receiver.

A.D. 1875.

*Brixham.*Application
of rates.

28. Without prejudice to the rights of any creditor under a security made before the passing of the Act confirming this Order, section 75 of the Act of 1837, so far as the same relates to tolls, rates, and dues specified in schedules (B.) and (C.) to that Act, shall be and the same section is hereby repealed; and the Commissioners shall apply all the rates received under this Order, and all other 5 income coming to their hands from the harbour and works, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise; (that is to say,)

1. In paying the costs of and connected with the applying for, obtaining, and making of this Order: 10
2. In paying year by year the interest accruing on money borrowed under the Act of 1799, the Act of 1837, and this Order, having regard to priority of security as fixed under this Order:
3. In paying the cost of the maintenance, repair, management, and regulation of the harbour: 15
4. In payment of principal money borrowed, having regard to priority of security as fixed by this Order, or in creating a sinking fund for that purpose, in the proportion required by this Order:
5. In paying the cost of constructing, enlarging, repairing, and maintaining the breakwater and works authorised by the Act of 1837, and in the 20 further general improvement of the harbour of Brixham.

Rates may be
revised from
time to time.

29. The Commissioners shall keep separate accounts of the rates received by them under this Order, and shall from time to time, if and when required by the Board of Trade, revise such rates, so that the total produce of the rates received by the Commissioners under this Order may always be, as far as 25 practicable, sufficient, and not more than sufficient, to meet the payments and expenditure for harbour purposes directed or authorised by the Act of 1799, the Act of 1837, or this Order.

Commissioners
to furnish
accounts to
Board of Trade.

30. The Commissioners shall, in the month of January in every year, furnish to the Board of Trade a statement or account, in such form as the Board of 30 Trade from time to time direct, showing the income, expenditure, credits, and liabilities of the Commissioners in and for the year ending on the preceding thirty-first day of December, and the total amount of money borrowed and of capital expended by the Commissioners up to the expiration of that year, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment 35 Act shall apply to include every such statement or account. If the Commissioners refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Board of Trade
to appoint
auditor.

31. The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to 40 him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Commissioners
may provide
engines,
lighters, &c.

32. The Commissioners may, for the purposes of works authorised by this Order or any other purposes of this Order, from time to time purchase, lease, hire, or otherwise provide such steam or other dredges, steam or other engines, 45 steam tugs, steam or other vessels, diving bells, piling engines, dredging machines, ballast lighters, rubbish lighters, tools, plant, machinery, and things,

as they think fit, and may let the same for use, and may demand and receive for the use thereof such sums as they think reasonable. A.D. 1875.

Brixham.

Lights, buoys, and beacons.

33. The Commissioners shall be a local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

34. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and works. Meters and weighers.

35. Byelaws made under this Order and the Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes. Confirmation of byelaws, and provision for management of harbour.

36. Before commencing the works authorised by this Order the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Commissioners refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds. As to lights during construction of works.

37. After completion or permanent discontinuance of the works authorised by this Order, the Commissioners shall, at the outer extremity of the harbour and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting; and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. As to lights after completion of works

38. Notwithstanding anything contained in the Act of 1799 or the Act of 1837, all works which, after the passing of the Act confirming this Order, shall be executed by the Commissioners under their Acts or this Order below high-water mark shall be executed only after obtaining the like consent of the Board of Trade or any other authority, and subject to the like control by the Board of Trade or any other authority as if such works had been executed only under powers given by this Order, and the several Acts under which this Order is made, and not under powers given by the Act of 1799 or the Act of 1837. Consent to works below high-water mark.

39. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works or operations under the Harbour Act or this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained. Saving rights under "Crown Lands Act, 1866."

40. All costs, charges, and expenses of and incident to the preparation of and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners. Cost of Order.

41. This Order may be cited as "The Brixham Harbour Order, 1875."

Short title.

A.D. 1875.

Brixham.

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON SHIPS.

	s.	d.
For the first time any vessel enters the harbour in any twelve months commencing on the first of September, per ton register -	0	6 5
Each subsequent time within the twelve months, per ton register -	0	2
But no vessel to pay a greater sum during any twelve months than 1s. per ton register.		
For every vessel laid up unemployed within the harbour for any term exceeding one month, per ton register per month, after the first month, in addition to all other dues payable under this Schedule -	0	1 10
But no vessel to pay during any twelve months annually more than 10%, and any vessel having repairs executed to the amount of 10% to be exempt from this toll for three months after entering the harbour.		15
For every yacht, boat, or open fishing boat, each time of entering the harbour :—		
Five tons burden and upwards - - - - -	3	4
Under five tons and exceeding two tons burden - - - - -	2	0
Two tons burden and under - - - - -	1	0 20
But not more than three payments to be made within any twelve months.		
For every vessel laid up within the harbour, and employed as a store, per register ton per month, in addition to the yearly payment -	0	2
For every vessel putting into the harbour for orders or refuge only, each time per register ton - - - - -	0	3 25
For any other purpose, each time per registered ton - - - - -	0	4
But no vessel to pay more than once on each voyage.		
For every vessel discharging or taking in ballast :—		
For discharging ballast, per ton of ballast discharged - - - - -	0	4
For taking in ballast, per ton loaded - - - - -	0	4 30
But if discharging ballast for the purpose of being overhauled or repaired, provided a notice in writing to that effect be given to the harbour-master before the discharge commences, only to pay on discharging, and not on taking in the same or any less quantity.		35

II.—RATES ON GOODS SHIPPED OR UNSHIPPED IN THE HARBOUR.

	s.	d.
Alum - - - - - per cwt.	0	1
Anchors - - - - - per ton	1	0
Apples - - - - - per bushel	0	0½ 40
Ashes, of all sorts - - - - - per ton	1	0
Bales or packages - - - - - per ton measurement	1	6

		s.	d.	A.D. 1875.
	Barley - - - - - per quarter	0	2	
	Barrels (empty) - - - - - each	0	1	<i>Brixham.</i>
	Barrel staves (double) - - - - - per 120	0	9	
5	Ditto (single) - - - - - ditto	0	5	
	Basket rods - - - - - per score bundles	0	6	
	Baskets - - - - - per dozen	0	1	
	Battens - - - - - per 120, and so in proportion	1	6	
	Beans - - - - - per quarter	0	3	
10	Beer, ale, or porter - - - - - per barrel	0	2	
	And so in proportion for a greater or a less quantity.			
	Bones - - - - - per ton	1	0	
	Bottles - - - - - per gross	0	6	
	Bricks - - - - - per ton of 500	1	0	
15	Brooms - - - - - per dozen	0	0½	
	Bullocks or oxen - - - - - per head	1	0	
	Calves - - - - - per head	0	4	
	Candles - - - - - per cwt.	0	1	
	Carriages - - - - - per wheel	1	6	
20	Casks, packed - - - - - per ton measurement	1	6	
	Chain cables - - - - - per ton	1	0	
	Chairs - - - - - per chair	0	1	
	Cheese - - - - - per cwt.	0	1	
	Chests or trunks - - - - - each	0	6	
25	Cider - - - - - per pipe	0	6	
	Ditto - - - - - per hogshead	0	3	
	Coals - - - - - per ton	1	0	
	Coopers' flags or rushes - - - - - per bundle	0	0½	
	Copper - - - - - per cwt.	0	1	
30	Cork - - - - - per cwt.	0	3	
	Culm - - - - - per ton	0	6	
	Deals - - - - - per 120 of 12 feet, and in that proportion	3	0	
	Deal ends - - - - - ditto	1	6	
	Earthenware chimney tops - - - - - each	0	1	
35	Earthenware and glass - - - - - per crate	1	0	
	Eggs - - - - - per 1,000	0	6	
	Feathers - - - - - per cwt.	2	6	
	Fish (other than cured fish) brought into the harbour, or to any place within the limits of the Acts or this Provisional Order, and sold, whether in the harbour market or elsewhere, the following tolls on the gross proceeds of the fish :—			
	Where the gross proceeds amount to—			
	20s. and upward - 3d. in the pound sterling on the gross value.			
	15s. and less than 20s. - - - - - the sum of 3d.			
45	5s. and less than 15s. - - - - - „ 2d.			
	Under 5s. - - - - - „ 1d.			
	Fish (cured) - - - - - per ton	1	0	

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		s.	d.
Flax	per cwt.	0	1½
Flour	per sack	0	3
Ditto	per barrel	0	2
Furniture, household, 40 feet to the ton, per measurement	per ton	1	6 5
Glass	per crate of 12 tables, and in that proportion	0	6
Glue	per cwt.	0	2
Groceries or other dry goods not herein-before mentioned	per cwt.	0	1
Handspikes	per 100	0	6
Hats, in case	per ton measurement	1	6 10
Hemp	per cwt.	0	1
Herrings	per barrel	0	2
Hides, raw	per ton	1	6
Ditto, cured	ditto	2	0
Hogsheads, empty		0	1½ 15
Hoops	per bundle of two dozen	0	0½
Hops	per cwt.	0	6
Horses	per head	2	6
Iron metal	per ton	1	0
Iron ore	ditto	0	6 20
Jars (stone)	per doz.	0	3
Kitchen ranges	each	1	0
Lamb	for every	0	0½
Laths	per 1,000	0	1
Lathwood	per fathom	1	0 25
Lead	per ton	1	0
Leather	ditto	2	0
Lemons	per chest	0	4
Ditto	per box	0	2
Line	per ton	0	4 30
Limestone, if exported from the outer harbour	ditto	0	2
Ditto, imported or exported from or into the inner harbour	ditto	0	4
Malt	per quarter	0	2
Marble (foreign)	per ton of 12 feet	1	0
Mules or asses	each	1	0 35
Nails	per cwt.	0	1
Nuts	per bushel	0	1
Oak timber for shipbuilding	per ton	0	6
Oakum	ditto	1	0
Oats	per quarter	0	1½ 40
Oil	per ton	1	0
Ditto (salad)	in chests	0	6
Oranges	per chest	0	4
Ditto	per box	0	2
Ores and minerals (except iron ore)	per ton	1	0 45
Painters' colours	per cwt.	0	1
Paper	per bundle of 4 reams	0	1

		s.	d.	A.D. 1875.
	Pigs - - - - -	per head	0 2	<u>Brixham.</u>
	Pipes - - - - -	empty	0 3	
	Pipe clay - - - - -	per ton	0 4	
5	Pipe-staves (double) - - - - -	per 120	1 0	
	Ditto (single) - - - - -	ditto	0 8	
	Pitch or resin - - - - -	per ton	1 0	
	Plaster of Paris - - - - -	ditto	1 0	
	Potatoes - - - - -	ditto	1 0	
10	Rags - - - - -	ditto	1 0	
	Salt - - - - -	ditto	1 0	
	Sand - - - - -	ditto	0 3	
	Ditto, if taken to ballast bank - - - - -	ditto	0 4	
	Seeds - - - - -	per bushel	0 1	
15	Sheep - - - - -	per head	0 1	
	Shot - - - - -	per cwt.	0 1	
	Slates (rag) prepared - - - - -	per 100 feet	0 4	
	Ditto, cut and prepared - - - - -	per 1,000 tale	0 6	
	Ditto, common - - - - -	ditto	0 3	
20	Soap - - - - -	per cwt.	0 1	
	Spirits and wine - - - - -	per pipe, butt, or puncheon	2 0	
	Stone (Portland), 16 feet to the ton - - - - -	per ton	1 0	
	Ditto (paving), Swanage or other - - - - -	per 100 feet superficial	1 0	
	Sugar - - - - -	per cwt.	0 1	
25	Tallow - - - - -	per ton	1 0	
	Tar - - - - -	per barrel	0 2	
	Tea - - - - -	per chest	0 6	
	Ditto - - - - -	per half ditto	0 3	
	Ditto - - - - -	per quarter ditto	0 2	
30	Timber - - - - -	per load	0 6	
	Tin - - - - -	per cwt.	1 0	
	Tin plates - - - - -	per box	0 1	
	Tobacco - - - - -	per cwt.	1 0	
	Trawl beams - - - - -	each	0 2	
35	Trees (fruit) - - - - -	ditto	0 2	
	Wheat and peas - - - - -	per quarter	0 3	
	Wool - - - - -	per pack	1 0	

Stores bonâ fide for the use of any vessel lying in the harbour of Torbay to be exempt.

- 40 Goods transhipped or landed, and re-shipped by the same owner on board the same or any other vessel, to be liable to one rate only.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

For Craneage.

	s.	d.
45 All goods or packages not exceeding 1 ton - - - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - - - - -	0	6
„ 2 tons „ 3 „ - - - - -	0	8

A.D. 1875.

Brizham.

				s.	d.	
Exceeding 3 tons and not exceeding 4 tons	-	-	-	0	10	
" 4 "	"	5 "	-	1	0	
" 5 "	"	6 "	-	1	2	
" 6 "	"	7 "	-	1	4	5
" 7 "	"	8 "	-	1	6	
" 8 "	"	9 "	-	1	10	
" 9 "	"	10 "	-	2	4	
" 10 "	-	-	-	3	6	

For Weighing.

10

For goods weighed, if exported or imported, for each ton or part of a ton	0	1
" if neither imported or exported "	0	2

For Sheds.

For each ton of goods 40 cubic feet, or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3 <i>d.</i> ; and the sum of 1½ <i>d.</i> per ton for each day during which such goods shall remain after first 48 hours.	15
For any portmanteau, trunk, parcel or other article of passenger's luggage, for each day or part of a day, per package	0 2

IV.—RATES FOR SUPPLYING WATER ON PIER.

20

Water, per ton	-	-	-	-	-	0 6
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V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	-	-	-	0 2	
Over 28 lbs. and not exceeding 84 lbs.	-	-	-	0 4	25
" 84 lbs. " 112 lbs.	-	-	-	0 5	
" 112 lbs. " 140 lbs.	-	-	-	0 6	
" 140 lbs. " 196 lbs.	-	-	-	0 7	
" 196 lbs. " 2 cwt.	-	-	-	0 8	
And for every cwt. beyond	-	-	-	0 4	30
And for every 20 lbs. weight in addition	-	-	-	0 1	

VI.—RATES FOR USE OF SLIPS.

For every vessel using the slip, per registered ton per day in addition to all other dues	-	-	-	-	1 0
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A.D. 1875.

CARRICKFERGUS.

Order for the Amendment of the Carrickfergus Harbour Orders, Carrickfergus. 1862 and 1865.

1. This Order may be cited as "The Carrickfergus Harbour Order, 1875," Short title.
5 and this Order and "The Carrickfergus Harbour Orders, 1862 and 1865," shall be read and construed together as one Order, and the three Orders may be cited together as "The Carrickfergus Harbour Orders, 1862, 1865, and 1875."
2. From and after the day of the date of the passing of the Act confirming
10 this Order, the seventh, ninth, and tenth sections of the Order of 1865 shall be and are hereby repealed. Repeal of certain sections of the Order of 1862.
3. For the purposes of the works authorised by this Order the Commis-
sioners may from time to time, by agreement, enter upon, take, and use all or
such part of the lands shown on the plans deposited for the purposes of this
15 Order as they think requisite for the purposes of the proposed new piers and works and the conveniences connected therewith. Power to take lands by agreement.
4. The Commissioners may purchase and hold for extraordinary purposes
any lands not exceeding in the whole five acres. Lands for extraordinary purposes.
5. Subject to the provisions of this Order, and subject also to such alterations
20 (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, the Commissioners may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the piers and
25 works authorised by this Order. Power to construct works.
6. The works authorised by this Order comprise the following: Description of works.
A new west pier, commencing at the southern end of the quay known as Wilson's Quay, extending in a direction nearly south by east along Wilson's Rue for a distance of five hundred and seventy feet, thence
30 extending in a direction of south-south-east for a further distance of six hundred and twenty feet to a point near the Red Buoy, thence extending in a direction nearly due east for a further distance of one hundred and ninety feet, and terminating with a curved pier-head, the total length of the said pier being one thousand three hundred and eighty feet or there-
35 abouts:
A new east pier, commencing at the south end of the present pier, forming a continuation of the same, extending in a southerly direction for a distance of four hundred and thirty feet, thence extending in a south-west by west direction for a further distance of one hundred and sixty feet, and termi-
40 nating with a curved pier-head, the total length of the said pier being five hundred and ninety feet or thereabouts.

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Carrickfergus.
Power to levy
rates.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by the last preceding section of this Order have been given, the Commissioners may, subject and according to the provisions of this Order, for the use of the piers, harbour, and works, demand and receive in respect of vessels, boats, animals, fish, goods, and things described in the schedule to the Order of 1865 any sums not exceeding the several rates specified in the same schedule, but with this variation, that the rate by that schedule made payable on foreign wine shall be reduced to the rate by that schedule made payable on British wine, and thereupon section eleven of the Order of 1865 shall be repealed. 5 10

Commissioners
may do certain
things and
exercise cer-
tain powers.

8. The Commissioners may do the following things and exercise the following powers; that is to say,

1. They may remove, either in whole or in part, the present wooden gangway and landing-stage on the east side of the harbour: 15
2. They may remove and rebuild further to the eastward a portion of the east quay wall of Wilson's Quay, so as to widen the said quay:
3. They may dredge, deepen, and excavate such portions of the sea-shore, beach, and bed of the sea as may be necessary:
4. They may divert the stream known as Killycrot, now discharging its waters on the beach near the north end of Wilson's Quay, alongside the new west pier: 20
5. They may remove the mooring buoys now situated on Wilson's Rue, on the site to be occupied by the new west pier:
6. They may construct all such sea-walls, roads, approaches, landing-places, and other works connected with the new piers for the convenient loading and unloading of vessels, and for embarking and landing of passengers, cattle, goods, and merchandise: 25
7. They may scour, dredge, and deepen all channels and approaches to the harbour: 30

Provided that no works below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

Power of bor-
rowing.

9. The Commissioners may borrow on mortgage or bond, in addition to the sums which they are already authorised to borrow by the Order of 1865, such further sums of money, not exceeding ten thousand pounds, as may be required for the purposes of the works authorised by this Order. 35

Commissioners
may provide
dredges and
engines.

10. The Commissioners may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them. 40

Annual ac-
count to be
sent to Board
of Trade.

11. The Commissioners, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Commissioners refuse or neglect to 45

comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account.

A.D. 1875.
Carrickfergus.

5 12. Before commencing the works authorised by this Order the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights by the Board of Trade, during the construction of the works; and compliance with directions
10 so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Commissioners refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights during construction of works.

15 13. After completion or permanent discontinuance of the works authorised by this Order the Commissioners shall at the outer extremity of the piers, harbour, and works authorised by this Order, or the completed portion thereof, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Commissioners of Irish Lights, and shall apply to
20 those Commissioners for directions as to lighting, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

As to lights to be exhibited after completion.

14. In the following cases (that is to say),

25 1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order shall not be substantially commenced; or
2. If such works, after having been commenced, shall be virtually suspended for twelve consecutive calendar months,

As to completion of works.

30 the powers given by this Order for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion be extended by the special direction of the Board of Trade.

35 A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

40 15. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Saving rights under "Crown Lands Act, 1866."

45 16. All costs, charges, and expenses of or incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners.

Costs of Order.

A.D. 1875.

MACDUFF.

Macduff. Order for power to construct additional works, and levy rates and make regulations, in and with respect to the Harbour of Macduff, in the Parish of Gamrie and County of Banff.

Order to be read with Act of 1847.

1. This Order shall be construed with the Act of the tenth and eleventh years 5 of Her present Majesty, chapter one hundred and twenty-seven (in this Order called the Act of 1847), and the Act of 1847 and this Order shall be read and construed together as one Order.

Undertakers.

2. The Right Honourable James Earl of Fife, K.T., his heirs and assigns, or other the persons or person from time to time entitled to the possession or to 10 the receipt of the rents, rates, and profits of the port and harbour of Macduff, in the parish of Gamrie, in the county of Banff, shall be the Undertakers for carrying the Act of 1847 and this Order into execution, and shall have the powers by the Act of 1847 conferred on the trustees therein mentioned, or by this Order conferred on the Undertakers. 15

Power to construct works.

3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands 20 belonging to them, and in the lines and situation and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works authorised by this Order.

4. The works authorised by this Order comprise :

1. A pier or breakwater, commencing by a junction with the existing east pier at a point fifty-seven yards or thereabouts measuring in a north-easterly direc- 25 tion from the south-west end of that pier, and terminating by a junction with the existing north pier, at or near the south-west end of that pier :
2. An opening in the existing east pier, commencing at a point one hundred and twenty-four yards or thereabouts, measuring in a north-easterly direction from the south-west end of that pier, and extending twelve 30 yards or thereabouts in a north-easterly direction, in order to afford a communication between the existing east harbour and the harbour or basin to be formed by the construction of the intended pier or breakwater firstly above described :
3. The excavation of the harbour or basin to be formed by the construction 35 of the pier or breakwater firstly above described :
4. An inner jetty, commencing at the east quay of the existing east harbour, at a point seventy-nine yards or thereabouts, measuring in a north-easterly direction from the south-east corner of the jetty of the existing east harbour, thence proceeding in a north-westerly direction for a 40 distance of thirty-two yards or thereabouts into the said existing east harbour, and there terminating :
5. An inner jetty, commencing at the southern side of the existing east pier at a point one hundred and nine yards or thereabouts, measuring in a north-easterly direction from the south-western end of the said east pier, 45 and extending into the existing east harbour three yards or thereabouts, and there terminating.

5. Subject to the provisions of this Order, the Undertakers may from time to time construct, maintain, alter, and improve the harbour, locks, gates, bridges, quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences; and may lay down and construct
5 rails, tramways, sidings, and turntables on and along the quays, piers, and other works of the harbour and lands connected therewith; and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour.
6. Every person who wilfully obstructs any person acting under the authority
10 of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.
7. Subject to the provisions of this Order, the works by this Order authorised,
15 and all works executed or lands acquired by the Undertakers for the purposes of the harbour before the passing of the Act confirming this Order, shall, for all purposes of rates and charges, and for all other purposes whatsoever, be and form part of the harbour as if the Undertakers had, by the Act of 1847, been
20 authorised to make, maintain, and acquire the same.
8. When and so soon as under this Order, and the twenty-fifth section of The Harbours, Docks, and Piers Clauses Act, 1847, the Undertakers shall become entitled to demand and receive rates in respect of the piers and works authorised by this Order, schedule B to the Act of 1847 and the power given by that Act
25 to take the rates mentioned in that schedule shall be and are hereby repealed, and the schedules A, C, and D, annexed to that Act, shall be deemed to be and are hereby cancelled, and thereupon the schedules A, B, and C to this Order shall be deemed to be and are respectively hereby substituted in place of the schedules A, C, and D to the Act of 1847, and the Act of 1847 shall be construed accordingly: Provided that none of the rates specified in the schedules
30 to this Order shall be demanded or received unless and until a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade have been given which are required under this Order, or are otherwise necessary, up to the date of such certificate, to the due
35 construction of the works authorised by this Order, or of so much of such works as may for the time being have been executed.
9. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, and paid by the Undertakers, that the works authorised by
40 this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods by means of such works, the Undertakers may, notwithstanding the twenty-fifth section of The Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand and
45 receive in substitution for any or all of the rates and duties authorised by the Act of 1847 such of the rates or such proportion of all or any of the rates specified in the schedules to this Order as shall by the officer certifying under

A.D. 1875.

Macduff.

Power to maintain and improve harbour.

Penalty for obstructing works.

Works to form part of harbour of Macduff.

New schedules of rates.

Part of new rates may be authorised.

A.D. 1875. this section be stated in his certificate to be commensurate to the increased accommodation afforded.

Macduff.

Board of Trade
may reduce
rates.

10. If at any time, and from time to time, the clear annual income derived from the harbour on the average of the then three last preceeding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by the Act of 1847 and this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, with power to the Board of Trade, at any time and from time to time, to raise them again to not exceeding the amounts specified in the schedules to this Order.

Annual account to be sent to Board of Trade.

11. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act" shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision, they shall, for every such refusal or neglect, be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports, or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under the Act of 1847 and this Order.

Custom House officers exempt from rates.

13. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the harbour and works by land, and with their vessels and otherwise, without payment.

Lifeboat crew exempt from tolls.

14. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the harbour and works without payment.

Life-saving apparatus may be attached to pier.

15. The officers of the coastguard, and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life, may, either permanently or temporarily, and from time to time without payment, attach or cause to be attached to any part of the pier, harbour, or works, spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

16. Without prejudice to the rights of any creditor under a security made before the passing of the Act confirming this Order, the Undertakers shall apply all the rates received under the Act of 1847, or this Order, for the purposes and in the order following and not otherwise ; (that is to say,) A.D. 1875.
—
Macduff.
Application of
rates.

5 1. In paying the costs of and connected with the applying for, obtaining, and making of this Order :

2. In paying year by year the interest accruing on money borrowed under the Act of 1847, and this Order, having regard to priority of security as fixed by this Order :

10 3. In paying the cost of the maintenance, repair, management, and regulation of the harbour.

4. Any surplus shall belong to the Undertakers for their own use.

17. The Undertakers shall have the appointment of meters and weighers within the limits of the harbour. Meters and
weighers.

15 18. Before commencing the works authorised by this Order, the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds. As to lights
during construction
of works.

25 19. After completion or permanent discontinuance of the works authorised by this Order the Undertakers shall at the outer extremity of the piers, harbour, and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting; and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. As to lights
after completion
of works.

20. In the following cases (that is to say) :—

35 1. If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced ; or

2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months ;

40 the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

45 A certificate from the Board of Trade, to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

21. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the manage- Saving of
rights under
"Crown Lands
Act, 1866."

A.D. 1875. ment of the Board of Trade by "The Crown Lands Act, 1866," nor shall any
Macduff. works under this Order be commenced within limits affected by any such
rights, interests, powers, authorities, or privileges without the assent of the
Board of Trade having been first obtained.

Costs of Order. 22. All costs, charges, and expenses of and incident to the preparation of 5
and obtaining this Order, or otherwise incurred in relation thereto, shall be
paid by the Undertakers.

Short title. 23. This Order may be cited as "The Macduff Harbour Order, 1875."

SCHEDULES referred to in the foregoing Order.

I.—SCHEDULE A.

10

RATES ON VESSELS.

Tonnage Rates.

	£	s.	d.	
For all vessels entering to load or unload, per register ton -	-	0	0	4
For all vessels windbound or otherwise, and not loading or un-				
loading, per register ton - - - - -	-	0	0	2
For all vessels laid up to winter for each month or part of a month,				
(vessels not going to sea within one month after arrival con-				
sidered laid up,) per register ton - - - - -	-	0	0	3
Vessels launched at the port to pay half dues only on first voyage if				
sailing in ballast.				20

Boats.

Herring boats for the fishing season, payable 26th July, each	-	1	5	0
„ windbound or otherwise - - - - -	-	0	1	0
Other boats above two tons burden - - - - -	-	0	0	6
				25

Berthing.

All vessels under 30 tons burden, for each voyage -	-	-	0	1	0
„ of 30 tons burden and under 60 tons -	-	-	0	1	6
„ of 60 tons „ „ 80 tons -	-	-	0	2	0
„ of 80 tons „ „ 120 tons -	-	-	0	2	6
„ of 120 tons burden and under 300 tons -	-	-	0	3	6
„ of 300 tons burden and upwards - - - - -	-	-	0	5	0
					30

Plankage.

All vessels requiring the use of planks, for each plank they receive					
belonging to the harbour - - - - -	-	0	0	6	35

Pier Head Light.

Vessels below 30 tons burden, each voyage -	-	-	-	0	1	0
„ 30 tons burden and below 50 tons -	-	-	-	0	1	6
„ 50 tons „ „ 80 tons -	-	-	-	0	2	0
„ 80 tons „ „ 100 tons -	-	-	-	0	3	0
„ 100 tons burden and upwards - - - - -	-	-	-	0	4	0
						40

	<i>Water Money.</i>	£	s.	d.	A.D. 1875.
Per register ton for all vessels	- - - - -	0	0	0½	<i>Macduff.</i>

Weights and Measures.

	For every 10 tons of salt	- - - - -	0	0	6
5	„ 10 tons of coals	- - - - -	0	0	6
	„ 100 quarters of grain	- - - - -	0	0	6
	„ 100 bolls of lime	- - - - -	0	1	0

No weights or measures to be used other than those furnished by harbour.

Exemptions.

- 10 Vessels which have sailed from the harbour and are put back by stress of weather, or from any other cause, without having accomplished their voyage, not liable in additional rates.

II.—SCHEDULE B.

RATES ON GOODS.

	Description of Goods.	Quantity.	Rate.
			£ s. d.
	Alabaster - - - - -	B.B.	0 0 3
	Ale, strong, and beer - - - - -	Hhd. 2 barrels bulk	0 0 6
20	Ditto, ditto in bottle - - - - -	B.B. of 4 dozen	0 0 3
	Alkali, black - - - - -	Ton	0 2 0
	Almonds - - - - -	B.B. of 1¼ cwt.	0 0 3
	Alum - - - - -	Ton	0 2 0
	Ammonia water - - - - -	Ton	0 1 0
25	Anchors - - - - -	Ton	0 3 0
	Animalized carbon for manure - - - - -	Ton	0 1 6
	Anvils - - - - -	Ton	0 1 6
	Ardol - - - - -	Ton	0 2 0
	Ashes, pot and pearl - - - - -	Ton	0 2 0
30	Ditto of all kinds - - - - -	Ton	0 2 0
	Bacon or hams - - - - -	B.B. of 200 lbs.	0 0 3
	Bagging - - - - -	B.B.	0 0 3
	Ballast - - - - -	Ton	0 0 3
	Barilla - - - - -	Ton	0 1 6
35	Bark - - - - -	Ton	0 2 0
	Barley and all other groats - - - - -	B.B.	0 0 3
	Barrels, empty herring - - - - -	Each	0 0 1
	Barrels, with fish - - - - -	Each	0 0 3
	Baskets under 12 inches diameter - - - - -	Dozen	0 0 6
40	Ditto above ditto - - - - -	Dozen	0 1 0
	Beef - - - - -	B.B. of 200 lbs.	0 0 3
	Beer, spruce or black - - - - -	6 kegs of 4 gal- lons each	0 0 3
	Bellows, household and smiths - - - - -	5 cubic feet	0 0 3

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Macduff.

Description of Goods.					Quantity.	Rate.		
						£	s.	d.
Birds:—								
Partridges	-	-	-	-	Each	0	0	0½
Pheasants	-	-	-	-	Each	0	0	0½
Pigeons	-	-	-	-	Dozen	0	0	2
Quails	-	-	-	-	Dozen	0	0	4
Singing	-	-	-	-	Each	0	0	3
All not mentioned	-	-	-	-	Each	0	0	0½
Biscuit	-	-	-	-	Cwt.	0	0	2
Bleaching salts and powder	-	-	-	-	Ton	0	2	0
Blubber	-	-	-	-	B.B. of 27 gallons	0	0	3
Boats:—								
12 to 16 feet keel	-	-	-	-		0	3	0
16 to 20 feet keel	-	-	-	-		0	4	6
20 feet keel and above	-	-	-	-		0	5	0
Cobbles, viz., 12 to 16 feet long	-	-	-	-		0	2	
16 to 20 feet long	-	-	-	-		0	3	0
All other boats and cobbles in proportion.								
Bone meal	-	-	-	-	Ton	0	1	6
Bones, ground	-	-	-	-	Quarter	0	0	4
Bones of cattle	-	-	-	-	Ton	0	1	6
All artificial manures not enumerated	-	-	-	-	Ton	0	2	0
Book and all stationary not otherwise enumerated	-	-	-	-	B.B.	0	0	3
Bottles, empty	-	-	-	-	Gross	0	0	4
Ditto, broken	-	-	-	-	Ton	0	0	6
Boxes, salmon, empty	-	-	-	-	Each	0	0	1
Bran	-	-	-	-	Boll of 80 lbs.	0	0	1
Brass	-	-	-	-	Ton	0	2	0
Bricks	-	-	-	-	1,000	0	1	0
Brimstone, rough	-	-	-	-	Ton	0	2	0
Ditto, in roll or flour	-	-	-	-	B.B.	0	0	3
Bristles	-	-	-	-	B.B.	0	0	3
Broom and brush handles, head and stocks	-	-	-	-	B.B.	0	0	3
Brooms, common	-	-	-	-	Dozen	0	0	3
Brushes	-	-	-	-	B.B.	0	0	3
Bulrushes	-	-	-	-	Per cwt.	0	0	4
Butter	-	-	-	-	Cwt.	0	0	1
Cakes, ground	-	-	-	-	Ton	0	2	6
Cakes of lint and rape seed	-	-	-	-	Ton	0	2	0
Candles	-	-	-	-	B.B.	0	0	3
Ditto, wicks	-	-	-	-	B.B.	0	0	3
Cane reeds	-	-	-	-	120	0	0	3
Carboys, vitriol, and acids	-	-	-	-	160 lbs. each	0	0	1½
Cards, tow, and wool	-	-	-	-	B.B.	0	0	3
Carpet, rugs, and upholstery articles	-	-	-	-	B.B.	0	0	3
Carraway seeds	-	-	-	-	B.B.	0	0	3
Carriages of four wheels	-	-	-	-	Each	0	12	0
Ditto of two wheels	-	-	-	-	Each	0	7	6
Carrots	-	-	-	-	Ton	0	1	0
Casks, boxes, empty, excepting returned packages					B.B.	0	0	1
Cement	-	-	-	-	Ton	0	1	6

Description of Goods.					Quantity.	Rate.			A.D. 1875.
									<i>Macduff.</i>
						£	s.	d.	
	Chalk	-	-	-	Ton	0	0	9	
	Charcoal	-	-	-	Ton	0	3	0	
5	Ditto blacking	-	-	-	B.B.	0	0	3	
	Cattle and live animals, viz. :—								
	Asses and mules	-	-	-	Each	0	2	0	
	Bulls, cows, and oxen	-	-	-	Each	0	2	0	
	Calves	-	-	-	Each	0	1	0	
10	Horses	-	-	-	Each	0	4	0	
	Ponies under 12 hands	-	-	-	Each	0	2	0	
	Sheep and lambs	-	-	-	Each	0	0	4	
	Swine and pigs	-	-	-	Each	0	0	4	
	Chairs :—								
15	Mahogany	-	-	-	B.B.	0	0	3	
	Sedan	-	-	-	B.B.	0	0	3	
	Others	-	-	-	B.B.	0	0	2	
	Cheese	-	-	-	Per cwt.	0	0	1½	
	Chesnuts	-	-	-	B.B.	0	0	3	
20	Chimney tops, or cans, composition, 3 feet high	-	-	-	Each	0	0	1	
	Ditto ditto of clay, 2½ feet high	-	-	-	Each	0	0	0½	
	Others in proportion.								
	China	-	-	-	B.B.	0	0	3	
	Chocolate	-	-	-	B.B.	0	0	3	
25	Cinders	-	-	-	Barrel of 2½ bushels	0	0	0½	
	Cinnamon and cassia	-	-	-	B.B.	0	0	3	
	Clay, viz. :—								
	China or stone-clay	-	-	-	Ton	0	0	4	
30	Fire-clay	-	-	-	Ton	0	1	0	
	Loam ditto	-	-	-	Ton	0	1	0	
	Pipe-clay	-	-	-	Ton	0	0	4	
	Clocks, and in case	-	-	-	B.B.	0	0	3	
	Clothing, haberdashery, silk, mercery, and all articles for clothiers and haberdashers				B.B.	0	0	3	
35	Cloth not enumerated	-	-	-	B.B.	0	0	3	
	Clover seeds	-	-	-	Ton	0	2	0	
	Coal dust for founders, &c.	-	-	-	Ton	0	0	6	
	Coals	-	-	-	Per ton	0	3	0	
40	Cocoa nuts	-	-	-	B.B.	0	0	3	
	Coffee	-	-	-	B.B. of 1 cwt.	0	0	3	
	Colours	-	-	-	Cwt.	0	0	2	
	Confections	-	-	-	B.B.	0	0	3	
	Copper	-	-	-	Ton	0	2	0	
45	Do. utensils for distilleries and other purposes	-	-	-	Cwt.	0	0	3	
	Do. old	-	-	-	Ton	0	2	0	
	Do. ore	-	-	-	Ton	0	1	0	
	Copperas	-	-	-	Ton	0	1	6	
	Coral	-	-	-	Cwt.	0	1	0	
50	Cordage, white and tarred	-	-	-	Ton	0	2	0	
	Corks	-	-	-	B.B.	0	0	3	
	Cork-wood	-	-	-	Ton	0	4	0	

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Description of Goods.					Quantity.	Rate.		
Corn, viz.:						£	s.	d.
Barley, bere, or bigg	-	-	-	-	Quarter	0	0	2
Beans	-	-	-	-	Quarter	0	0	3
Flour	-	-	-	-	Sack	0	0	3
Indian corn	-	-	-	-	Quarter	0	0	2
Malt	-	-	-	-	Quarter	0	0	2
Meal	-	-	-	-	Ton	0	1	0
Oatmeal	-	-	-	-	Ton	0	1	8
Oats	-	-	-	-	Quarter	0	0	2
Peas:								
Grey	-	-	-	-	Quarter	0	0	3
White, split, or boilers	-	-	-	-	Ton	0	2	0
Rye	-	-	-	-	Quarter	0	0	3
Wheat	-	-	-	-	Quarter	0	0	3
Corn hooks or sickles	-	-	-	-	B.B. of 20 dozen	0	0	3
Cotton wool	-	-	-	-	Ton	0	2	6
Ditto manufactured	-	-	-	-	B.B.	0	0	3
Crystal	-	-	-	-	B.B. of 5 cubic feet	0	0	3
Currants	-	-	-	-	B.B.	0	0	3
Cyder	-	-	-	-	B.B. of 27 gallons	0	0	3
Drugs, medicines, and all articles for druggists not otherwise enumerated					B.B.	0	0	3
Dung and other manure not enumerated elsewhere					Ton	0	1	6
Eggs	-	-	-	-	B.B.	0	0	3
Elephants' teeth	-	-	-	-	Cwt.	0	0	8
Emery stones	-	-	-	-	Cwt.	0	0	2
Feathers	-	-	-	-	B.B. of 80 lbs.	0	0	3
Felt	-	-	-	-	B.B.	0	0	3
Figs	-	-	-	-	B.B.	0	0	3
Fish, viz.:								
Cod, pickled	-	-	-	-	B.B.	0	0	3
Fresh, of all kinds	-	-	-	-	Per barrel or crane	0	0	3
Haddocks, dried or smoked	-	-	-	-	B.B.	0	0	3
Ditto pickled	-	-	-	-	B.B.	0	0	3
Salmon, iced	-	-	-	-	B.B.	0	0	3
Ditto pickled, in kits	-	-	-	-	B.B. of 6 kits	0	0	3
Ditto preserved	-	-	-	-	B.B.	0	0	3
White fish, salted	-	-	-	-	Ton	0	2	6
Flax	-	-	-	-	Ton	0	2	6
Codilla	-	-	-	-	Ton	0	1	6
Manufactured	-	-	-	-	B.B.	0	0	3
Flint stones	-	-	-	-	Ton	0	0	4
Flower roots	-	-	-	-	B.B.	0	0	3
Fruit of all kinds	-	-	-	-	Per bushel	0	0	2
Furniture, household	-	-	-	-	B.B.	0	0	3

Description of Goods.		Quantity.	Rate.	A.D. 1875.
				<i>Macduff.</i>
			£ s. d.	
	Ginger - - - - -	B.B.	0 0 3	
	Ginger bread - - - - -	B.B.	0 0 3	
5	Glass of all descriptions - - - - -	B.B.	0 0 3	
	Glue - - - - -	B.B.	0 0 3	
	Grate, iron, &c. - - - - -	Cwt.	0 0 3	
	Grease - - - - -	Ton	0 2 0	
	Guano - - - - -	Ton	0 2 0	
10	Gum, senegal, and other kinds - - - - -	B.B.	0 0 3	
	Gunpowder - - - - -	100 lbs.	0 0 3	
	Gypsum - - - - -	Ton	0 1 0	
	Hair of all kinds - - - - -	Per ton	0 1 0	
15	Hardware and all articles for hardware merchants not enumerated - - - - -	B.B.	0 0 3	
	Hats - - - - -	5 cubic feet to	0 0 3	
	Hay and straw - - - - -	Ton	0 1 8	
	Hemp, rough - - - - -	Ton	0 2 6	
20	Herrings - - - - -	Barrel	0 0 3	
	Hides of all kinds - - - - -	Each	0 0 1	
	Honey - - - - -	Cwt.	0 0 1½	
	Hoops of all kinds - - - - -	Per bundle	0 0 6	
	Hops - - - - -	Cwt.	0 0 4	
25	Horns of all kinds - - - - -	Ton	0 2 0	
	Horses. See cattle.			
	Husbandry implements, viz. :—			
	Box cart - - - - -	Each	0 2 6	
	Harrows - - - - -	Pair	0 0 9	
30	Plough - - - - -	Each	0 0 9	
	Waggon with four wheels - - - - -	Each	0 5 0	
	Wheelbarrows - - - - -	Each	0 0 4	
	Other implements - - - - -	B.B.	0 0 3	
	Ice - - - - -	Ton	0 0 6	
35	Indigo - - - - -	B.B.	0 0 3	
	Ink - - - - -	Gallon	0 0 0¼	
	Iron, viz. :—			
	Bar and bolt, rod, plate, and sheet - - - - -	Ton	0 2 0	
	Forged ironwork - - - - -	Ton	0 2 0	
40	Girdles, nails, and wire - - - - -	Ton	0 2 0	
	Grates, stoves, and tinned work - - - - -	Ton	0 3 0	
	Hoops - - - - -	Ton	0 2 6	
	Old - - - - -	Ton	0 1 0	
	Ore - - - - -	Ton	0 1 0	
45	Pig - - - - -	Ton	0 1 0	
	Pots and other hollow cast ironwork - - - - -	Ton	0 2 6	
	All other castings - - - - -	Ton	0 2 6	
	Steam boilers and pieces - - - - -	Ton	0 2 0	
	Ditto, whole - - - - -	B.B.	0 0 3	
50	Ivory - - - - -	Ton	0 1 6	
	Junks or old ropes - - - - -	Ton	0 1 0	

A.D. 1875.

Macduff.

Description of Goods.						Quantity.	Rate.		
							£	s.	d.
Kelp	-	-	-	-	-	Ton	0	1	0
Kiln Pavement	-	-	-	-	-	30 superficial feet	0	0	3
Lamp black	-	-	-	-	-	B.B.	0	0	2
Lard	-	-	-	-	-	Cwt.	0	0	1½
Lead, viz.:									
Ore	-	-	-	-	-	Ton	0	1	0
Red, white, and black	-	-	-	-	-	Ton	0	2	0
Sheet, pig, pipes, and shot	-	-	-	-	-	Ton	0	2	0
Sugar of	-	-	-	-	-	Cwt.	0	0	2
Leather of all kinds	-	-	-	-	-	B.B.	0	0	3
Lemons and oranges	-	-	-	-	-	B.B.	0	0	3
Lime	-	-	-	-	-	Boll of 5 bushels	0	0	1
Limes	-	-	-	-	-	B.B.	0	0	3
Linen yarn in bales or other packages	-	-	-	-	-	B.B.	0	0	3
Linen yarn in bulk or loose bundles	-	-	-	-	-	Ton	0	3	0
Linseed in casks or bags	-	-	-	-	-	B.B.	0	0	3
Liquids in casks not otherwise enumerated	-	-	-	-	-	B.B. of 27 gallons	0	0	3
Liquorice root	-	-	-	-	-	B.B.	0	0	3
Machinery	-	-	-	-	-	B.B.	0	0	3
Madder, ground	-	-	-	-	-	Ton	0	2	6
Ditto, root	-	-	-	-	-	Ton	0	5	0
Manganese	-	-	-	-	-	Ton	0	2	0
Matts	-	-	-	-	-	100	0	1	0
Medals	-	-	-	-	-	£1 value	0	0	1
Mill waste, all kinds	-	-	-	-	-	Ton	0	1	6
Molasses	-	-	-	-	-	Ton	0	1	6
Moss rock	-	-	-	-	-	Ton	0	2	0
Musical instruments	-	-	-	-	-	5 cubic feet per	0	0	3
Mustard	-	-	-	-	-	B.B.	0	0	3
Nutgalls	-	-	-	-	-	B.B.	0	0	3
Nutmegs	-	-	-	-	-	B.B.	0	0	3
Nuts	-	-	-	-	-	B.B.	0	0	3
Oakum	-	-	-	-	-	Cwt.	0	0	2
Ochre	-	-	-	-	-	Ton	0	2	0
Oil of all kinds	-	-	-	-	-	B.B. of 27 gallons	0	0	3
Ditto, cakes	-	-	-	-	-	Ton	0	3	0
Ditto, rape	-	-	-	-	-	Ton	0	4	0
Onions	-	-	-	-	-	Bushel	0	0	2
Orchella weed	-	-	-	-	-	Cwt.	0	0	3
Oysters and other shell fish	-	-	-	-	-	B.B.	0	0	3
Pack thread and twine	-	-	-	-	-	B.B.	0	0	3
Paper of all kinds	-	-	-	-	-	B.B.	0	0	3
Paretis, refuse of	-	-	-	-	-	Ton	0	1	0
Passengers entering or leaving harbour, baggage of	-	-	-	-	-	B.B.	0	0	3
Paste or mill boards	-	-	-	-	-	B.B.	0	0	3

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Description of Goods,					Quantity.	Rate.		
						£	s.	d.
	Pavement, all descriptions of	-	-	-	Per £100 value	2	10	0
	Peats	-	-	-	Load of 800	0	0	4
5	Perfumery	-	-	-	B.B.	0	0	4
	Perry	-	-	-	B.B. of 27 gallons	0	0	3
	Pewter	-	-	-	Ton	0	2	0
	Pictures	-	-	-	B.B.	0	0	3
	Pipes, tobacco	-	-	-	B.B.	0	0	3
10	Pitch	-	-	-	Barrel	0	0	2
	Plants of trees and shrubs	-	-	-	B.B.	0	0	3
	Plaster of Paris	-	-	-	Ton	0	2	0
	Pork	-	-	-	B.B. of 200 lbs.	0	0	3
	Porter	-	-	-	Hogshead	0	0	6
15	Ditto in bottles	-	-	-	B.B. 4 dozen	0	0	3
	Potatoes	-	-	-	Ton	0	1	6
	Poultry of all kinds	-	-	-	Each	0	0	1
	Preserved provisions	-	-	-	B.B.	0	0	3
	Prunellas	-	-	-	B.B.	0	0	3
20	Pumice stone	-	-	-	Cwt.	0	0	3
	Quills, dressed and undressed	-	-	-	B.B.	0	0	3
	Rags, linen	-	-	-	Ton	0	1	6
	Ditto, woollen	-	-	-	Ton	0	1	0
	Raisins	-	-	-	B.B.	0	0	3
25	Rice	-	-	-	Ton	0	2	0
	Ropes in packages	-	-	-	B.B.	0	0	3
	Ditto in coil	-	-	-	Ton	0	2	6
	Rosin	-	-	-	Ton	0	1	6
	Rye, grass seeds	-	-	-	8 bushels	0	0	3
30	Saddlery of all kinds	-	-	-	B.B.	0	0	3
	Sago	-	-	-	B.B.	0	0	3
	Sail cloths, in bolts	-	-	-	5 bolts	0	0	3
	Ditto in packages	-	-	-	B.B.	0	0	3
	Salt, rock and white	-	-	-	Ton	0	1	0
35	„ refined, in packages	-	-	-	B.B.	0	0	3
	Saltpetre	-	-	-	Ton	0	2	6
	Salts, Glauber and Epsom	-	-	-	Cwt.	0	0	1½
	Sand for foundries	-	-	-	Ton	0	0	4
	Screws of hides	-	-	-	Ton	0	2	0
40	Scythes	-	-	-	Dozen	0	0	0½
	Seeds of all sorts	-	-	-	B.B.	0	0	3
	Shakes of casks, pipe, or puncheon	-	-	-	Each	0	0	2
	Sheffield and Birmingham ware	-	-	-	B.B.	0	0	3
	Shoes of all kinds	-	-	-	Per dozen pairs	0	0	6
45	Skins not otherwise enumerated	-	-	-	B.B.	0	0	3
	Slates of all kinds	-	-	-	Per 1,200	0	2	0
	Slate pencils and slates	-	-	-	B.B.	0	0	3
	Smalts	-	-	-	Cwt.	0	0	1½
	Snuff	-	-	-	B.B.	0	0	3
50	Soap, hard and soft	-	-	-	Ton	0	2	0

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Description of Goods.	Quantity.	Rate.
		£ s. d.
Soaper's salts and muriatic residium - - -	Ton	0 1 6
Soda - - - - -	Ton	0 2 0
Soda and seltzer water - - - - -	B.B.	0 0 3 5
Spades and shovels - - - - -	Dozen	0 0 1
Spanish or Italian juice - - - - -	B.B.	0 0 3
Spermaceti - - - - -	Ton	0 2 6
Spirits - - - - -	B.B.	0 0 3
Starch - - - - -	B.B.	0 0 3 10
Steel - - - - -	Ton	0 3 0
Stones, viz.—		
Freestone or granite for building purposes	Ton	0 0 6
Polished granite - - - - -	Ton	0 3 0
Other stones not enumerated - - -	Per £100 value	2 10 0 15
Stone ware - - - - -	B.B.	0 0 3
Stucco - - - - -	Ton	0 1 6
Sugar of all kinds - - - - -	Ton	0 3 0
Tallow - - - - -	Ton	0 2 0
Tanners' waste - - - - -	Ton	0 0 6 20
Tar - - - - -	Barrel	0 0 2
Tares - - - - -	Quarter	0 0 3
Teas, and all articles for grocers not otherwise enumerated	B.B.	0 0 3
Teazles - - - - -	B.B.	0 0 3 25
Tiles - - - - -	1,000	0 1 0
Tin - - - - -	Ton	0 2 0
Tobacco - - - - -	Cwt.	0 0 1 $\frac{1}{2}$
Tongues, smoked - - - - -	Per dozen	0 0 1
Ditto pickled - - - - -	Cwt.	0 0 4 30
Tow of all kinds - - - - -	Ton	0 1 6
Toys - - - - -	B.B.	0 0 3
Turnery - - - - -	1 <i>l</i> . value	0 0 1
Turnips - - - - -	Ton	0 1 0
Varnish of all kinds - - - - -	B.B.	0 0 3 35
Vases, or sculptured marble - - - -	B.B.	0 0 6
Veneers of all kinds - - - - -	B.B.	0 0 3
Verdigris - - - - -	Cwt.	0 0 1
Vermillion - - - - -	Cwt.	0 0 6
Vinegar - - - - -	B.B. of 27 gallons	0 0 3 40
Walnuts - - - - -	B.B.	0 0 3
Whalebone or whale fins - - - - -	Ton	0 2 0
Wheels, coach or cart - - - - -	Pair	0 0 8
Whitening - - - - -	Ton	0 0 9
Wine in casks - - - - -	B.B. of 27 gallons	0 0 3 45
Ditto in bottles - - - - -	4 dozen, per B.B.	0 0 3
Wood of all kinds, home and foreign -	Per £100 value	3 0 0
Wood - - - - -	Ton	0 2 0
Wool, sheeps - - - - -	Ton	0 2 6
Ditto manufactured - - - - -	B.B.	0 0 3 50

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Description of Goods.						Quantity.	Rate.		
							£	s.	d.
Yeast	-	-	-	-	-	B.B.	0	0	3
Zinc	-	-	-	-	-	Ton	0	2	0
5	All goods not enumerated in the foregoing Schedule					B.B.	0	0	4

Small packages, though under 56 lbs., shall be reckoned one fourth of a barrel bulk.

10 The barrel bulk of all articles not otherwise rated to be five cubic feet, excepting when the said measure shall exceed two and a half hundred weight, in which case two and a half hundred weight is to be rated a barrel bulk.

15 Shore dues at the above rates to be paid on all goods loaded or unloaded or otherwise arriving or leaving the port or district as herein described, viz:—The harbour or any part of the coast eastward from the Palmer Cove to the east extremity of the estate of Melrose.

EXEMPTIONS FROM THE ABOVE RATES.

1. All returned empty boxes, casks, barrels, sacks, bags, and packages are exempted from rates.

20 2. All goods landed from any vessel and re-shipped in the same vessel in the original packages, and without being transferred from the lander, or if the said goods have been put into other packages, from the original packages having been destroyed or damaged, shall only pay one rate.

25 3. All goods landed from one vessel and re-shipped in the original packages by another vessel shall upon re-shipment pay one half of the rate paid upon landing.

4. Passengers' luggage not exceeding two barrel bulk, all above to pay the ordinary rates.

30 5. Any goods which have paid shore dues when loaded and shall from any accident or otherwise be unloaded, shall not be chargeable with a second rate on being re-loaded.

6. The furniture and luggage of fishermen coming to or returning from the herring fishery at Macduff at the commencement or end of the season.

7. Stones, timber, or other materials for the use of the piers.

III.—SCHEDULE C.

	PILOT DUES.	£	s.	d.
35	For every vessel entering the harbour, per registered ton	-	0	0 2
	For every vessel leaving the harbour, per registered ton	-	0	0 2
	For each tide of four hours' work within the harbour, for each man	0	2	0
	For laying out kedge and warp to assist vessels to sea	-	0	7 6
40	For each man employed in hauling a warp on board a vessel hanging to a kedge	-	0	1 6

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ROSEHEARTY.

*Rosehearty.**Order for Amending the Rosehearty Harbour Order, 1863.*

Order of 1863
and this Order
to be construed
as one.

1. This Order and the Rosehearty Harbour Order, 1863, confirmed by "The Pier and Harbour Orders Confirmation Act, 1863," (in this Order called "The Order of 1863,") so far as not by this Order repealed, shall be read and construed 5 together as one Order.

Interpretation
of terms.

2. In this Order the following expressions shall have the following meanings respectively; that is to say,

"Feuar" means a person who shall for the time being have resided in the burgh for a period of not less than twelve calendar months prior to the first 10 day of September in any year, and who holds in his own right a feu of land within the burgh of the annual value of not less than seven pounds:

"Leaseholder" means a person who shall for the time being have resided in the burgh for a period of not less than twelve calendar months prior to the same date, and who holds in his own right a building lease for ninety- 15 nine years of land situated in the burgh of the annual value of not less than seven pounds granted by the heirs of entail in possession, and feudally invested in the lands and barony of Pitsligo with the burgh or barony of Rosehearty under the Act 10 Geo. 3, cap. 51, entitled "An Act to en- 20 courage the improvement of lands, tenements, and hereditaments in that part of Great Britain called Scotland, held under settlement of strict entail," and under the Act 31 & 32 Vict. cap. 84, entitled "An Act to amend in several particulars the law of entail in Scotland":

"Elected commissioner" means the person elected as commissioner under the provisions of this Order: 25

"Commissioners" means, until the last Tuesday in October one thousand eight hundred and seventy-five, the existing Commissioners under the Order of 1863; and on and from the day last-mentioned means the Com- 30 missioners chosen and elected under the provisions of the Order of 1863 and this Order:

"Burgh" means the borough of Rosehearty.

Order how to
be carried into
effect.

Addition of
elected com-
missioners.

3. This Order shall be carried into effect by the Commissioners.

4. On and from the last Tuesday in October, one thousand eight hundred and seventy-five the body of Commissioners shall include three persons to be elected by the feuars and leaseholders in manner by this Order provided, and 35 such three persons shall be and act as Commissioners in the same manner as if they had been included in the Commissioners incorporated by the Order of 1863.

Qualification of
elected com-
missioners.

5. The three persons to be elected Commissioners shall themselves be feuars or leaseholders registered on the list of electors to be made as provided by this 40 Order, and the first election shall take place on the second Tuesday in October one thousand eight hundred and seventy-five, and a similar election shall take place on the second Tuesday in every subsequent year; and the three persons elected on the second Tuesday in October in any year shall come into office on the last Tuesday in the same month, and shall go out of office on the last Tuesday 45

of October in the following year; and any person about to go out of office may, unless disqualified, be re-elected. A.D. 1875.

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Qualification of electors.

6. Every feuar or leaseholder shall be qualified to be an elected Commissioner and to vote at an election of Commissioners, and shall be entitled to be registered as an elector.

7. On or before the first day of September one thousand eight hundred and seventy-five, and on or before the same day in each succeeding year, the Commissioners shall cause to be made up a list of the electors; and the clerk of the Commissioners shall, on or before such day in each year, certify the list; and the list shall be kept in the Rosehearty Harbour office, and shall be open to the inspection of any person interested, free of expense; and the clerk shall also affix a copy thereof at or near the Rosehearty Harbour office, or some place equally accessible to the public within the burgh, and shall deliver a copy of the list to any person who may apply for the same, on payment of a sum of one shilling for each copy, and any person considering himself qualified to be an elected Commissioner, or an elector whose name is not inserted on the list, may, on or before the fifteenth day of September in such year, apply to the Commissioners, who shall thereupon, if the qualification be proved, cause the name of the applicant to be added to the list; and the list, with any additions so made, shall be the register of electors for the year to which it is applicable.

List of electors to be made up.

8. Any person named in the list to be made up by the Commissioners, as provided by this Order, in any year may, by notice in writing signed by him, and given, on or before the fifteenth day of September in any year, to the Commissioners and to the person objected to, and stating shortly the grounds of objection, object to the name of any other person being inserted in the list as not being qualified; and the Commissioners shall, on or before the twenty-second day of September following receipt of the notice, proceed to consider such objection, at a meeting of which not less than twenty-four hours' notice in writing by the clerk shall be given to the objector and also to the person objected to; and in case the person objected to shall not prove to the satisfaction of the Commissioners his qualification to be named in the list, the Commissioners shall remove his name from the list; and in case the person objected to shall prove his qualification the Commissioners may direct the objector to pay any sum not exceeding forty shillings costs, and the same shall be paid accordingly in manner directed by the Commissioners.

Objections to insertion in lists.

9. The Commissioners shall cause a list to be made of the names (if any) added to and of the names (if any) removed from the list; and the clerk shall, on or before the first day of October in each year, revise the entire list of electors accordingly, and affix a copy of such revised list at or near the Rosehearty Harbour office, or some place equally accessible to the public within the burgh.

Amended list to be made up.

10. The following rules shall be observed with respect to the election of Commissioners.

Rules for electing commissioners.

First. The chairman of the Commissioners for the time being, or some person appointed by writing under his hand, shall be the returning officer.

Second. The returning officer shall at least six days before the day of the election give public notice by advertisement in one newspaper pub-

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lished or circulated in the burgh, or by posters affixed to some conspicuous places in the burgh, of the day, hour, and place for polling.

Third. Not less than four days before the day of election, any two electors may nominate as a candidate any person qualified, as by this Order provided, by sending to the returning officer, or delivering at his office or 5 place appointed by him, a nomination paper, subscribed by them, and stating the christian name and surname, with the place of abode and designation, of each subscriber and of the candidate nominated; and the returning officer, on receipt of the nomination paper, shall forthwith send notice of his nomination to the person nominated. 10

Fourth. No nomination paper shall be received after four o'clock in the afternoon of the fifth day before the day of election, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid. The returning officer shall have power to decide whether any nomination is valid, and his decision shall be final. 15

Fifth. Three days before the day of election the returning officer shall give public notice, by advertisement in a newspaper circulated within the burgh, or by posters affixed at some conspicuous places in the burgh, of the names, designations, and places of abode of the several candidates nominated and not withdrawn. 20

Sixth. If the number of candidates nominated and not withdrawn shall be equal to or less than the number of Commissioners to be elected, the returning officer shall within two clear days after the last day for nomination publish and return in like manner as after a poll the names of the candidates as nominated, together with a notice that there will be 25 no poll; and that on the day of election the candidates nominated will be held to be duly elected Commissioners.

Seventh. If the full number of candidates has not been nominated, the returning officer shall report to the Commissioners how many vacancies remain unfilled. 30

Eighth. If, three clear days before the day fixed for the day of election, the number of candidates nominated and not withdrawn shall exceed the number of Commissioners to be elected, the returning officer, or such person or persons as shall be appointed by him for the purpose, shall, on the day of election, proceed to take and collect by ballot the votes of the 35 electors in like manner as a poll at a contested school board election is directed by the "Education (Scotland) Act, 1872," to be taken, or as nearly in accordance therewith as the circumstances permit; and subject to these rules and directions, the provisions of that Act, mutatis mutandis, shall apply to the election. 40

Ninth. In case of a poll within three clear days after the day of election, the returning officer shall, by advertisement in one newspaper published or circulated within the burgh, or by posters affixed to conspicuous places within the burgh, publish a list of the three persons elected Commissioners by a majority of votes upon the poll; and shall make a return of the names 45 of such persons to the Commissioners.

Penalty on
personation of
elector.

11. Any person who shall wilfully personate any elector at any election of Commissioners, or falsely assume to act in the name or on behalf of any elector,

or who shall vote without being duly qualified, shall, for every such offence, be liable to a penalty not exceeding twenty pounds and not less than five pounds. A.D. 1875.

12. Any act or proceeding of the Commissioners shall not be invalidated or be illegal by reason of any vacancy in the number of Commissioners or by
5 reason of the non-appointment or non-election or of any informality in the appointment or election or any disqualification of any Commissioner. *Roseheartly.*
Vacancy or informalities not to invalidate proceedings.

13. The Commissioners shall hold a general meeting on the last Tuesday of the month of October one thousand eight hundred and seventy-five and on the last Tuesday in the month of October in each succeeding year, and on such
10 other days as they may deem fit. Meetings of the commissioners on last Tuesday of each October.

14. If the election under this Order of any person as Commissioner shall be invalid, or if the full number of Commissioners to be elected shall not be nominated, or if any elected Commissioner shall die, resign, or decline, or refuse, or become disqualified or incompetent to act, or cease to be an elected
15 Commissioner from any other cause than that of going out of office in the manner provided by this Order, the Commissioners shall elect a person duly qualified to fill the vacancy thereby arising, and the person so elected shall be an elected Commissioner under this Order during the current year. Provision in case of invalid or no election.

15. "The Lands Clauses Consolidation (Scotland) Act, 1845," except with
20 respect to the purchase and taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order. Incorporation of portion of Lands Clauses Act, &c.

16. For the purposes of this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on
25 the deposited plans as intended to be taken for the purposes of the proposed works. Power to take specified lands by agreement.

17. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation,
30 the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections, so far as the same are shown thereon, and within the limits of deviation shown on those plans, make and maintain the works shown on the deposited plans. Power to make works.

18. The works authorised by this Order comprise the following:
35 (1.) An extension of the pier called the Port-Rae pier, commencing at its present east or seaward extremity, and extending in a north and north-easterly direction, and terminating on the sea beach about sixty-seven lineal yards south of the beacon near the Damar Rock.
50 (2.) An extension of the east pier of the harbour of Roseheartly, commencing at a point thereon about forty lineal yards from the light post on north end of said pier, and terminating on the north wall of the Port-Rae pier at a point thereon about one hundred lineal yards east of the east end of the building occupied by George Milne Gordon as a curing shed.
45 (3.) A quay wall commencing at the shore end of the east pier of the said harbour of Roseheartly and terminating at a point on the Port-Rae

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pier about fifty-four lineal yards from the said curing shed occupied by Mr. Gordon.

(4.) To deepen the access or channel leading to the present Port-Rae pier to low-water level, commencing said deepening at the seaward extremity of said pier, and terminating at or near the Damar Rock. 5

(5.) To extend the present harbour eastward by deepening and excavating the space between the east pier of the said harbour and the north face of Port-Rae pier.

Further powers
as to works.

19. The Commissioners may also from time to time improve the harbour by deepening the accesses thereto and by deepening the adjoining sea, and may 10 maintain all buoys, moorings, lights, beacons, landing places, approaches, and other works and conveniences which from time to time they may think necessary for effectuating any of the purposes of this Order, and may do any of the works authorised by this Order, either by themselves, their servants, or by others, and generally make such arrangements as may appear to them desirable for 15 carrying out the said works.

Assent of
Board of Trade
to works.

20. No works under this Order or the Order of 1863 below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

Powers to
deviate.

21. The Commissioners may deviate laterally from the lines of the works by 20 this Order authorised to the extent marked on the deposited plans for the purposes of this Order, and may deviate vertically from the levels defined on the sections deposited for the purposes of this Order to any extent not exceeding six feet.

Lands for
extraordinary
purposes.

22. The Commissioners shall not purchase for extraordinary purposes lands 25 exceeding in extent in the whole two acres.

Part of new
rates may be
authorised.

23. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers, that the works authorised by this Order have been so far completed as to afford increased accommodation 30 for the landing and embarking of passengers and goods by means of such works, the Undertakers may, notwithstanding the twenty-fifth section of The Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand and receive in substitution for any or all of the rates and duties authorised by the 35 Order of 1863 such of the rates or such proportion of all or any of the rates specified in the schedules to this Order as shall by the Board of Trade be certified to be commensurate to the increased accommodation afforded.

Power to take
substituted
rates in
schedule.

24. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under 40 this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, and when, having regard to the 25th section of The Harbours, Docks, and Piers Clauses Act, 1847, the Commissioners shall be entitled to take rates in respect of the works authorised by this Order, the schedule to the Order of 1863 shall be deemed to 45 be and is hereby cancelled, and the schedule to this Order shall be deemed

to be and is hereby substituted in the place of the schedule to the Order of 1863, and the Order of 1863 and this Order shall be construed accordingly. A.D. 1875.

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25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges, such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. Certain fishing vessels under stress of weather exempt from rates.

26. The Commissioners may borrow on mortgage or bond at interest such sums of money in addition to the sum of three thousand pounds authorised to be borrowed by the Order of 1863 (of which sum there remains due at present two thousand and thirty-three pounds six shillings and eightpence) as may be required for the purposes of the works authorised by this Order not exceeding in the whole the sum of fifteen thousand pounds. Power to borrow.

27. Every security made for money borrowed by the Commissioners under the Order of 1863, before the passing of the Act confirming this Order, shall have priority over every security made for money borrowed under this Order. Existing securities to have priority.

28. Sections 16 to 19 inclusive of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order. Sections of Harbours, Docks, and Piers Act not incorporated.

29. The Commissioners shall in the month of January in every year furnish to the Board of Trade a statement or account in such form as the Board of Trade from time to time direct, shewing the income, expenditure, credits, and liabilities of the Commissioners in and for the then last preceding year, and the total amount of capital expended by the Commissioners up to the expiration of that year; and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such statement or account. If the company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. Commissioners to furnish accounts to Board of Trade.

30. The Commissioners shall from time to time, if required by the Board of Trade, revise the rates authorised to be levied by the Commissioners so that the income of the Commissioners may always be as far as practicable sufficient and not more than sufficient to meet their proper expenditure. Board of Trade may revise rates.

31. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. Saving rights under Crown Lands Act, 1866.

32. All costs of and incidental to the preparation and making of this Order shall be paid by the Commissioners. Costs of Order.

33. This Order may be cited as "The Rosehearty Harbour Order, 1875." Short title.

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SCHEDULE.

I.—TONNAGE RATES ON VESSELS ENTERING OR USING THE HARBOUR.

	s.	d.
For every vessel whatever entering the harbour to load or unload, per registered ton - - - - -	0	4 5
For every vessel, windbound or otherwise, entering the harbour, not loading or unloading, per registered ton - - - - -	0	2

II.—RATES FOR BOATS, EXCLUSIVE OF THEIR CARGOES, ENTERING OR USING THE HARBOUR.

Every boat using the harbour engaged in the herring fishing, as a composition in full of tonnage duty for the period of the fishing season, payable in advance - - - - -	25	0	10
Every boat loading or discharging herrings in the harbour, and not paying the aforesaid composition, shall, on each occasion of entering the harbour, pay each - - - - -	2	6	15
And when windbound in the harbour - - - - -	1	3	
Other boats loading or discharging in the harbour - - - - -	2	6	
Other boats windbound in the harbour - - - - -	1	6	
Other boats, when above 15 tons register, to be charged according to tonnage dues for vessels as above. - - - - -			20
Each white and winter fishing boat using the harbour for any kind of fishing in respect of season commencing 1st October, and payable in advance :—			
If manned by not less than five hands - - - - -	10	0	
If manned by less than five hands - - - - -	5	0	25

III.—RATES ON ARTICLES OF IMPORT AND EXPORT BY VESSELS OR BOATS.

Ale and porter, per hogshead - - - - -	1	0	
Ditto bottled, per barrel bulk - - - - -	0	6	
Ballast 6d., ditto at ship's side 10d. per ton. - - - - -			30
Bark or cutch per ton - - - - -	2	6	
Barrels, empty, each - - - - -	0	1	
Beef or pork, per ton - - - - -	3	0	
Ditto, per barrel - - - - -	0	4	
Blubber, per tun 252 gals. - - - - -	3	0	35
Bone dust, per ton - - - - -	1	0	
Bones of cattle, per ton - - - - -	0	9	
Bottles, per gross - - - - -	0	4	
Bricks, per 1,000 - - - - -	0	10	
Butter, per ton - - - - -	3	0	40
Casks, empty, not being returned packages, per puncheon - - - - -	0	4	
Other casks, not enumerated, in proportion.			

Cattle, viz. :—		s.	d.	A.D. 1875.
	Bulls, each	2	6	<i>Roseheartly.</i>
	Cows and oxen, each	2	0	
	Calves, each	0	6	
5	Horses, each	1	0	
	Pigs, each	0	3	
	Sheep, per score	1	0	
	Lambs, per score	0	6	
	Chalk, per ton	1	0	
10	Cheese, per ton	2	6	
	Chimney cans, per 100	2	0	
	Clay, fire, manufactured, per ton	1	0	
	Clay, common, per ton	0	4	
	Cloth, haberdashery, &c., per barrel bulk	1	0	
15	Coaches, viz. :—			
	Chaises and other four-wheeled carriages, each	2	6	
	Gigs, carts, and other two-wheeled carriages, each	2	0	
	Coals and culm, per ton	0	6	
	Copper, per ton	1	4	
20	Corks, per barrel bulk	0	4	
	Corn, viz. :—			
	Wheat and malt per quarter	0	5	
	Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn, per quarter	0	4	
25	Crystal, per barrel bulk	0	4	
	Dissolved bones and other artificial manures, per ton	1	0	
	Drugs, per barrel bulk	0	6	
	Earthenware, per crate	1	0	
	Eggs, per barrel bulk	0	2	
30	Fish, dried and salted, per ton	2	6	
	Fish, fresh—Haddocks, cod, ling, and all fish not enumerated, per barrel bulk of 2½ cwt.	0	6	
	Flax and hemp, per ton	2	8	
	Flour, per sack	0	6	
35	Ditto, per barrel	0	4	
	Glass, per barrel bulk	0	3	
	Groceries, viz. :—			
	Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	3	
40	Guano, per ton	1	6	
	Gunpowder, per barrel	0	3	
	Hardware, per barrel bulk	0	3	
	Hay, per ton	1	0	
	Herrings, fresh, per cran	0	4	
45	Herrings brought here for shipment which have been landed fresh at any other place and have not been charged dues at this harbour, per barrel	0	4	

A.D. 1875. Hides, viz. :—		s.	d.	
<i>Roseheartly.</i>	Ox, cow, or horse, salted or dried, per ton	-	-	1 4
	Calf skins, per 120	-	-	0 10
	Sheep skins, per 120	-	-	0 10
	Lamb skins, per 120	-	-	0 5 5
	Hoops of wood, per 1,000	-	-	0 10
	Ditto, iron, per ton	-	-	0 10
	Household furniture, per barrel bulk	-	-	0 1
	Ditto belonging to parties changing their residence only, per 10 barrel bulk	-	-	0 6 10
	Husbandry utensils, per ton	-	-	1 4
	Ditto, per barrel bulk	-	-	0 2
Iron, viz. :—				
	Bar, bolt, and rod, per ton	-	-	1 4 15
	Pig or old, per ton	-	-	0 8
	Kelp, per ton	-	-	1 4
	Lead, all kinds, per ton	-	-	1 4
	Leather, tanned and dressed, per ton	-	-	1 6
	Lime, per chaldron of 16 bolls	-	-	1 4 20
	Limestone, per chaldron of 16 bolls	-	-	0 3
	Loam or moulding sand, per chaldron of 16 bolls	-	-	0 3
	Machinery, per chaldron of 16 bolls	-	-	1 3
	Mussels, per chaldron of 16 bolls	-	-	0 6
	Machinery, per barrel bulk	-	-	0 3 25
	Manure, street, per ton	-	-	0 4
	Meal, per bag of 280 lbs.	-	-	0 4
	Oils, per ton	-	-	1 0
Ores, viz. :—				
	Copper, iron, lead, and other ores, per ton	-	-	0 8 30
	Passengers' luggage, not exceeding 4 barrels bulk, free; all above 4 barrels bulk, per barrel bulk	-	-	0 3
	Peat, per ton	-	-	0 3
	Potatoes, per ton	-	-	0 6 35
	Rags of all kinds and old ropes, per ton	-	-	0 10
	Rape and oilcake, per ton	-	-	0 8
	Salmon, per cwt.	-	-	1 0
	Salt, in bulk, per ton	-	-	0 9
	Salt in barrel, per barrel	-	-	0 1½ 40
	Seeds of all kinds, not enumerated, per ton	-	-	1 4
	Skins, seal, per 120	-	-	0 8
	Slates, under size, per 1,000	-	-	0 6
	Slates, sizeable, per 1,000	-	-	0 10
	Slates, over size, per 1,000	-	-	1 4 45
	Spirits, per hogshead of 56 gallons	-	-	0 8
Stones, viz. :				
	Rubble, per ton of 16 cubic feet	-	-	0 2
	Hewn ashlar freestone, per ton of 16 cubic feet	-	-	0 4

Stones—*cont.*

A.D. 1875.

Roseheartly.

		s.	d.
	Rough ashlar freestone, per ton of 16 cubic feet -	0	4
	Pavement, not exceeding 3 inches thick, per ton of 70 feet -	0	4
	Pavement above 3 inches thick, per ton of 16 feet -	0	4
5	Scythe stones, per score -	0	1
	Mill stones, each -	0	6
	Gravestones, each -	0	6
	Grindstones, each -	0	4
	Steel, per ton -	1	4
10	Sugar, per ton -	1	4
	Tallow, per ton -	1	4
	Tar, pitch, or resin, per barrel -	0	2
	Tea, per chest -	0	3
	Tiles, roofing, per 1,000 -	1	0
15	Tiles, on pipes for draining, per 1,000 -	1	0
	Tin of all kinds, per ton -	1	8
	Tobacco, per ton -	5	0
	Treenails, under 2 feet in length, per 1,000 -	1	0
	Treenails, exceeding 2 feet in length, per 1,000 -	2	0
20	Turnips, per ton -	0	8
	Turpentine, per hogshead -	1	6
	Vegetables, per cartload -	0	4
	Vinegar, per hogshead -	1	0
	Vitriol, per carboy -	0	2
25	Whalebone, per ton -	5	0
	Wine, per hogshead -	1	0
	Wine, bottled, per barrel bulk -	0	4
	Wood of all kinds, per 11. value -	0	4
	Wool, per cwt. -	0	2
30	Yarn, per ton -	1	6
	Zinc, per ton -	2	8
	All other goods not particularly enumerated in the above table, viz. :—		
	Light goods, per barrel bulk -	0	3
	Heavy goods, per ton -	2	0

35 In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

40 Five cubic feet, not exceeding $2\frac{1}{2}$ cwt., to be rated as a barrel bulk; but when the weight of 5 cubic feet is greater than $2\frac{1}{2}$ cwt., then $2\frac{1}{2}$ cwt. to be rated as a barrel bulk.

A.D. 1875. IV.—RATES FOR THE USE OF SHEDS, CRANES, WEIGHING MACHINES,
Rosehearty. AND WATER.

(1.) *Sheds.*

For each ton of goods of 8 barrels' bulk, or for each ton of goods of 20 cwt., which shall remain in any shed or on the pier for a longer time than 24 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours. 5

(2.) *Cranes.*

					<i>s.</i>	<i>d.</i>	
All goods or packages not exceeding 1 ton	-	-	-	-	0	3	10
Exceeding 1 ton and not exceeding 2 tons	-	-	-	-	0	4	
" 2 " " 3 "	-	-	-	-	0	6	
" 3 " " 4 "	-	-	-	-	0	8	
" 4 " " 5 "	-	-	-	-	0	10	
" 5 " " 6 "	-	-	-	-	1	0	15
" 6 " " 7 "	-	-	-	-	1	2	
" 7 " " 8 "	-	-	-	-	1	4	
" 8 " " 9 "	-	-	-	-	1	8	
" 9 " " 10 "	-	-	-	-	2	0	
" 10 tons	-	-	-	-	3	0	20

(3.) *Weighing Machines.*

For potatoes and coals, each ton or part of a ton	-	-	-	0	2
For other goods, ditto	-	-	-	0	4

(4.) *Water for Ships and Boats.*

Water supplied to each ship, each voyage	-	-	-	2	6	25
Water supplied to herring boats for the fishing season, each	-	-	-	2	6	

V.—PILOTAGE.

1. For every ship or vessel piloted into and out of the harbour with a boat and four men, per registered ton	-	-	-	0	3½	
Laying out a kedge	-	-	-	5	0	30
Haulers on board, each	-	-	-	1	0	
Ditto on the pier, each	-	-	-	0	6	
2. Tides work—						
For every tides work within the harbour, per man employed, each				2	6	
3. Berthing master's or captain pilot's fees—						35
For all vessels under 40 tons register, each	-	-	-	0	6	
40 and under 80 " each	-	-	-	1	0	
80 " 120 " each	-	-	-	1	6	
120 " 160 " each	-	-	-	2	0	
160 and upwards, each	-	-	-	2	6	40

Pier and Harbour
Orders Confirmation
(No. 3).

A

B I L L

For confirming certain Provisional
Orders made by the Board of Trade
under The General Pier and Harbour
Act, 1861, relating to Brixham, Car-
rickfergus, Macduff, and Rosehearty.

(Prepared and brought in by
Mr. Cavendish Bentinck and
Sir Charles Adderley.)

*Ordered, by The House of Commons, to be Printed,
28 April 1875.*

[Bill 148.]

Under 6 c.

